



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***OCTOBER 3, 2002
12:15 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

Briefing on future function and appearance of City of Roanoke streets.
(90 minutes)

P. 8

A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P. 9

A request of the City Manager for a Closed Session to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City of Roanoke, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended.

P. 10

THE MEETING WILL BE DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN THE EMERGENCY OPERATIONS CENTER CONFERENCE ROOM, ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., FOR THE ABOVE REFERENCED BRIEFING.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***OCTOBER 3, 2002
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Catherine A. Houchins, Pastor, Metropolitan Community Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Friday, October 4, 2002, at 7:00 p.m., and Saturday, October 5, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Proclamation declaring the month of October 2002, as Crime Prevention Month. P. 11

Proclamation declaring the week of October 6 - 12, 2002, as Fire Prevention Week. P. 12

Proclamation declaring the week of October 6 - 12, 2002, as Mental Illness Awareness Week. P. 13

Proclamation declaring the month of October 2002, as National Arts and Humanities Month. P. 14

Proclamation declaring the month of October 2002, as National Disability Employment Awareness Month. P. 15

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meeting of City Council held on Monday, August 19, 2002. P. 16

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

C-2 A communication from the City Manager requesting that Council schedule a public hearing for Tuesday, October 15, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a Deed of Release and Dedication for a water line easement outside the Falling Creek Filtration Plant and Deed of Quitclaim for right-of-way through the roadways. P. 78

RECOMMENDED ACTION: Concur in the request.

C-3 Qualification of the following persons:

William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; and Troy A. Harmon, Municipal Auditor, for two year terms of office, commencing October 1, 2002 and ending September 30, 2004;

Raymond Debose, Jr., as a member of the Fair Housing Board, to fill the unexpired term of Bruce L. Robinson, resigned, ending March 31, 2003;

Ben A. Burch, III, as a member of the City of Roanoke Transportation Safety Commission, for a term ending October 31, 2004; and

R. Brian Townsend as a member of the Roanoke Valley-Alleghany Regional Commission, to fill the unexpired term of Evelyn S. Lander, resigned, ending June 30, 2003.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS:

1. Southeast Pilot Project. (15 minutes)

ITEMS RECOMMENDED FOR ACTION:

2. A communication with regard to revised Percent for Art Program Guidelines. P. 82;
R. 86
 3. A communication with regard to a Joint Powers Association Agreement - Virginia First Cities Coalition. P. 87;
O. 106
 4. A communication with regard to funding for continued services of an Eligibility Worker at the Health Department. P. 109;
B/O 118;
R. 119
 5. A communication in connection with installation of flashing light signals and short arm gates at the crossing of Norfolk Avenue, S. E. P. 121;
R. 129
 6. A communication in connection with architectural and engineering services for the Police Building Project - Phase II. P. 130;
B/O 132;
R. 133
 7. A communication in connection with an Assistance to Firefighters Grant from the Federal Emergency Management Agency. P. 134;
B/O 136;
R. 138
- b. CITY ATTORNEY:
1. A report transmitting a measure in connection with a Virginia Education Association resolution regarding the educational funding crisis in the Commonwealth of Virginia. P. 139;
R. 140
- c. DIRECTOR OF FINANCE:
1. Financial report for the month of August 2002. P. 143

7. REPORTS OF COMMITTEES: NONE.

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. A Resolution designating a Voting Delegate and Alternate Voting Delegate for the Annual Business Session and meetings of the Urban Section of the Virginia Municipal League and designating a Staff Assistant for any meetings of the Urban Section on Tuesday, October 22, 2002, in Norfolk, Virginia.

R. 161

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

THE MEETING WILL BE DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN THE EMERGENCY OPERATIONS CENTER CONFERENCE ROOM, ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., FOR THE FOLLOWING BRIEFINGS:

Technology. (15 minutes)

P. 162

Traffic Management Study. (30 minutes)

P. 163



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

October 3, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William H. Carder, Council Member
Honorable William D. Bestpitch, Council Member
Honorable Linda F. Wyatt, Council Member
Honorable Dr. M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member

Dear Mayor Smith and Members of City Council:

Subject: Future Function & Appearance
Of City of Roanoke Streets

This is to request space on Council's regular agenda for a 90 minute briefing on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham". The signature is stylized with a large, looped initial "D" and a cursive "Burcham".

Darlene L. Burcham
City Manager

DLB/ge

C: City Clerk
City Attorney
Director of Finance



**CITY OF ROANOKE
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452
ROANOKE, VIRGINIA 24011-1594
TELEPHONE: (540) 853-2444
FAX: (540) 853-1145

RALPH K. SMITH
Mayor

October 3, 2002

The Honorable Vice-Mayor and
Members of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

I wish to request a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith", is written over a printed name and title.

Ralph K. Smith
Mayor

RKS:sm



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
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Fax: (540) 853-1138
CityWeb: www.roanokegov.com

October 3, 2002

The Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Subject: Request for Closed Meeting

Dear Mayor Smith and Members of Council:

This is to request that City Council convene in a closed meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in cursive script, reading "Darlene L. Burcham", is positioned above the printed name.

Darlene L. Burcham
City Manager

DLB:f

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk

Office of the Mayor

CITY OF



ROANOKE

Proclamation

WHEREAS, *the vitality of the City of Roanoke depends on how safe we keep our homes, neighborhoods, schools, workplaces and communities; and*

WHEREAS, *crime and fear of crime destroy our trust in others and in institutions, threatening the community's health, prosperity and quality of life; and*

WHEREAS, *people of all ages must be made aware of what can be done to prevent themselves, their families, neighbors and co-workers from being harmed by crime, violence and drugs; and*

WHEREAS, *personal injury, financial lose and community deterioration resulting from crime are intolerable; effective prevention requires an investment by the whole community; and*

WHEREAS, *crime prevention initiatives must include self-protection and security, including collaborative efforts to make neighborhoods safer for all ages and to develop positive opportunities for young people; and*

WHEREAS, *adults must invest time, resources and policy support in effective prevention and intervention strategies for youth, and teens must be actively engaged in driving crime from communities; and*

WHEREAS, *effective crime prevention programs excel through partnerships among law enforcement, other government agencies, civic groups, schools, faith communities, businesses and individuals as they help to nurture communal responsibility and instill pride.*

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, *urge all citizens, government agencies, public and private institutions and businesses to invest in the power of prevention and work together for the common good, and do hereby proclaim the month of October, 2002, throughout this great All-America City, as*

CRIME PREVENTION MONTH.

Given under our hands and the Seal of the City of Roanoke this third day of October in the year two thousand and two.

ATTEST:

A handwritten signature in cursive script that reads "Mary F. Parker".

Mary F. Parker
City Clerk



Ralph K. Smith
Mayor

Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, fire kills 3,500 to 4,000 persons in the United State each year and 80% to 85% of all fire deaths occur in the home; taking simple safety precautions, such as identifying and removing every day home fire hazards can help prevent the majority of home fires and home fire deaths; and

WHEREAS, developing and regularly practicing a thorough home fire escape plan, with two ways out of each room and an outside meeting place, is critical to escaping from a fire safely; and proper installation, testing and maintenance of smoke alarms listed by qualified testing laboratories are part of a thorough home fire escape plan; and

WHEREAS, the National Fire Protection Association has been the official sponsor of Fire Prevention Week for 80 years; the 2002 theme, "Team Up for Fire Safety," motivates children and families to work together to conduct a home hazard hunt, develop and practice a home fire escape plan and install and test smoke alarms; and

WHEREAS, the National Fire Protection Association dedicates "Team Up for Fire Safety" to the hundreds of firefighters who so valiantly gave their lives to save others in 2001, especially on September 11th; and

WHEREAS, Roanoke Fire-EMS is dedicated to the safety of life and property from the devastating effects of fire and is joined by other concerned citizens, emergency service providers, safety advocates, businesses, schools, service clubs and organizations in fire safety efforts; and

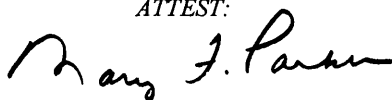
WHEREAS, the week of October 6 - 12, 2002, has been designated as Fire Prevention Week to commemorate the Great Chicago Fire of 1871 which killed more than 250 persons, left 100,000 persons homeless and destroyed more than 17,400 structures.

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, encourage all citizens to participate in fire prevention activities at home, work and school and to take the necessary steps to make their homes and families safe from fire and, do hereby proclaim the week of October 6 - 12, 2002, throughout this great All-America City, as

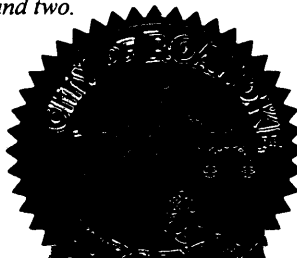
FIRE PREVENTION WEEK.

Given under our hands and the Seal of the City of Roanoke this third day of October in the year two thousand and two.

ATTEST:



Mary F. Parker
City Clerk



Ralph K. Smith
Mayor

Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, during the past decade, a wide array of effective new medications for severe mental illness have been developed, and genetic discoveries and progressive brain research continue to move us closer to sound medical answers for living with, and perhaps one day curing or preventing, severe mental illnesses; and

WHEREAS, no area of health care is changing more than mental health; and advances are prompted by better science and more research, the information revolution, the important role consumers play in advocating for themselves, and family members who speak out for their loved ones; and

WHEREAS, science has greatly expanded our understanding and treatment of severe mental illnesses; and once forgotten in back wards of mental institutions, individuals with these disorders have a chance at reclaiming full and productive lives, but only if they have access to treatments, services and programs that are vital to recovery; and

WHEREAS, depression, bipolar disorder, schizophrenia, and obsessive-compulsive disorder account for an estimated twenty percent of the world's total disability resulting from all diseases and injuries; and for every U. S. taxpayer dollar spent on medical research, less than one cent is allocated to schizophrenia, one of the most disabling mental illnesses; and

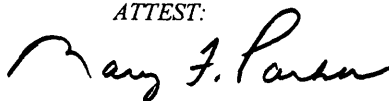
WHEREAS, as underscored by U. S. Surgeon General David Satcher in his 1999 landmark report on mental health, stigma toward mental illness remains a pervasive and potentially lethal barrier to mental illness recovery.

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, in order to increase public awareness of severe mental illness and to promote greater understanding for those who suffer from the potentially disabling symptoms of these disorders, do hereby proclaim October 6 - 12, 2002, throughout this great All-America City, as

MENTAL ILLNESS AWARENESS WEEK.

Given under our hands and the Seal of the City of Roanoke this third day of October in the year two thousand and two.

ATTEST:



Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, *the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities and states across the nation, as well as by the White House and the Congress for several years; and*

WHEREAS, *the arts and humanities embody much of the accumulated wisdom, intellect and imagination of humankind and enhance and enrich the lives of every American; and*

WHEREAS, *arts education research findings suggest that the arts help close the achievement gap, especially among disadvantaged youth; the arts improve academic skills essential for reading and language development; the arts build strong mathematical skills; the arts advance a motivation to learn and promote positive social development; and*

WHEREAS, *the Roanoke region nonprofit arts and cultural industry strengthens the City's economy by generating \$26 million in economic activity annually; and*

WHEREAS, *Americans for the Arts, the national coordinator of National Arts and Humanities Month, has focused the theme of the 2002 celebration on arts and cultural education, and the cultural industry of the Roanoke region serves 50 school districts and 300,000 children annually.*

WHEREAS, *the month of October, 2002, has been designated as National Arts and Humanities Month.*

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, *do hereby proclaim the month of October, 2002, throughout this great All-America City, as*

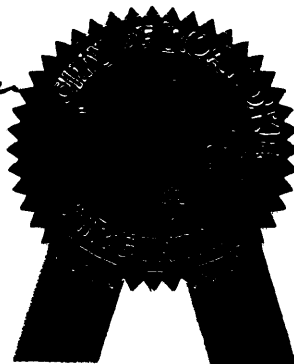
NATIONAL ARTS AND HUMANITIES MONTH.

Given under our hands and the Seal of the City of Roanoke this third day of October in the year two thousand and two.

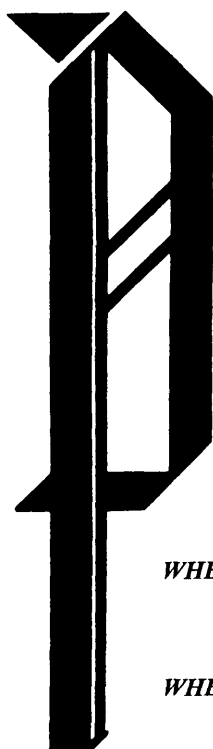
ATTEST:



Mary F. Parker
City Clerk



Ralph K. Smith
Mayor



Office of the Mayor

CITY OF



ROANOKE

Proclamation

WHEREAS, since 1945, the month of October has been designated by the United States Congress as a special time to acknowledge the contributions made by employees with disabilities; and

WHEREAS, citizens of the Roanoke Valley continue to work together to break down the barriers that persons with disabilities face on a daily basis and to uphold our fundamental commitment to justice and equality for all people; and

WHEREAS, the Mayor's Committee for People with Disabilities, Blue Ridge Behavioral Healthcare, Blue Ridge Independent Living Center, Goodwill Industries of the Valleys, Roanoke County Senior and Challenged Citizens Commission, Social Security Administration, Virginia Department for Blind and Visually Impaired, Virginia Department of Rehabilitative Services, Virginia Employment Commission and other members of the Mayor's Committee for People with Disabilities are working together to improve the physical, psychological, social, and spiritual well-being of persons with disabilities in the Roanoke Valley, and to educate the public about available resources to enable citizens with disabilities to make the most of their potential; and

WHEREAS, these groups, in conjunction with other Roanoke Valley organizations, are working together to recognize the value of employees with disabilities and their employers through special programs and activities throughout the year.

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, do hereby proclaim October 2002, throughout this great All-America City, as

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH.

Given under our hands and the Seal of the City of Roanoke this third day of October in the year two thousand and two.

ATTEST:

Mary F. Parker
City Clerk



Ralph K. Smith
Mayor

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

August 19, 2002

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, August 19, 2002, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupter Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, and Mayor Ralph k. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Seymore G. Cole, Pastor, Melrose Avenue Seventh Day Adventist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

DECEASED PERSONS: Mr. Bestpitch offered the following resolution memorializing the late James Edward Taliaferro, Sr., former Mayor of the City of Salem, who passed away on August 3, 2002:

(#36018-081902) A RESOLUTION memorializing the late James Edward Taliaferro, Sr., a former Mayor of the City of Salem.

(For full text of Resolution, see Resolution Book No. 65, page 321.)

Mr. Bestpitch moved the adoption of Resolution No. 36018-081902. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

DECEASED PERSONS: Mr. Carder offered the following resolution memorializing the late Alfred N. "Hoot" Gibson, former City Auditor and Director of Finance for the City of Roanoke, who passed away on August 1, 2002:

(#36019-081902) A RESOLUTION memorializing the late Alfred N. "Hoot" Gibson, a native of Roanoke and former City Auditor and Director of Finance for the City of Roanoke.

(For full text of Resolution, see Resolution Book No. 65, page 322.)

Mr. Carder moved the adoption of Resolution No. 36019-081902. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

PROCLAMATIONS: The Mayor presented a proclamation declaring Friday , August 30, 2002, as Hokie Pride Day.

VA AMATEUR SPORTS/COMMONWEALTH GAMES-SPORTS ACTIVITIES: Peter Lampman, President, Virginia Amateur Sports, Inc., expressed appreciation to the City of Roanoke for its support of the Commonwealth Games of Virginia. He presented information on the economic impact that the 2002 Commonwealth Games had on the Roanoke Valley, including information on the growth of the Commonwealth Games and demographics of where athletes traveled from in order to participate. He stated that figures over the past years have shown an increase in the number of athletes coming from outside the Roanoke Valley, and approximately 110,000 athletes have competed in the Commonwealth Games of Virginia over the past 13 years.

He advised that on site expenditures, which include hotel/lodging, eating and drinking places, automobile/gasoline, retail, transportation services, amusement and recreation services, entry fees, gate receipts, concessions and merchandise sales at the event total \$1,537,226.00; and off site expenditures total \$7,813,463.00, for a total impact of the 2002 Commonwealth Games of \$7,200,030.00.

In appreciation of the support of the City of Roanoke, Mr. Lampman presented the Mayor with a plaque of appreciation and provided each Member of Council with a 2002 Commonwealth Games tee-shirt.

Without objection by Council, the Mayor advised that the remarks of Mr. Lampman would be received and filed.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meetings of City Council held on Monday, July 1, 2002, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Carder moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-AUDIT COMMITTEE: Minutes of the Audit Committee meeting held on Monday, August 5, 2002, were before the body.

The following items were considered by the Audit Committee:

Parks and Recreation Part-Time Payroll

Engagement Letter - Roanoke City Public Schools

School Board May 14, 2002 Audit Committee Minutes

Roanoke City Council Audit Committee Annual Report - June 30, 2002

Municipal Auditing Annual Report - June 30, 2002

Municipal Auditing Annual Audit Plan - June 30, 2003

Discussion on format to receive Audit Committee package - CD/paper

**Discussion on format to receive information from Municipal Auditor -
fax/e-mail**

(For full text, see Minutes on file in the City Clerk's Office.)

**Mr. Carder moved that the minutes be received and filed. The motion was
seconded by Mr. Cutler and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt,
and Mayor Smith-----7.**

NAYS: None-----0.

**ANNUAL REPORTS-COMMITTEES-AUDIT COMMITTEE: An annual report of
the Audit Committee for the period ended June 30, 2002, was before the body. It was
advised that during the year ended June 30, 2002, the Committee held five regular
meetings; and the following is a summary of the Committee's activity during the
year:**

**Reviewed and concurred in the annual plan presented by KPMG,
the City's external auditors.**

Reviewed and concurred in the Municipal Auditor's annual audit plan.

**Reviewed the independent accountant's report with representatives
from KPMG and City officials.**

Reviewed the internal audit reports with the Municipal Auditor and City officials.

Reviewed and concurred in the School Board on an Engagement Letter and an annual plan for the Municipal Auditor to perform internal audits for Roanoke City Public Schools.

Reviewed an external quality control review prepared by the Virginia Local Government Auditors Association peer review team.

Furnished a copy of the minutes of each committee meeting to City Council and City officials.

(For full text, see report on file in the City Clerk's Office)

Mr. Carder moved that the Annual Report be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

ANNUAL REPORTS- MUNICIPAL AUDITOR: An Annual Report of the Municipal Auditor for the period ended June 30, 2002, was before Council.

Mr. Carder moved that the Annual Report be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

(For full text, see report on file in the City Clerk's Office.)

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

OATHS OF OFFICE-ZONING-COMMITTEES: A report of qualification of Diana B. Sheppard as a member of the Board of Zoning Appeals, for a term ending December 31, 2005, was before Council.

Mr. Carder moved that the report of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

SCHOOLS: The Mayor advised that there is a vacancy on the Roanoke City School Board created by the resignation of Sherman P. Lea, resigned , for a term ending June 30, 2003, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the names of Edna Crabbere, David Dabay, F. B. Webster Day, John W. Elliott, Jr., and William H. Lindsay.

There being no further nominations, F. B. Webster Day was elected as a Trustee of the Roanoke City School Board, to fill the unexpired term of Sherman P. Lea, resigned, ending June 30, 2003, by the following vote:

FOR MR. DAY: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, and Mayor Smith-----6.

FOR MR. LINDSEY: Council Member Wyatt-----1.

PUBLIC HEARINGS: None

PETITIONS AND COMMUNICATIONS:

BUDGET-COMMONWEALTH'S ATTORNEY: Betty Jo Anthony, Assistant Commonwealth's Attorney, presented information with regard to the Cost Collection Unit for Fiscal year 2001-2002, Four-Year Comparison of Cost Collection Effort, Chart: Four-Year Comparison of Cost Collection Results for Roanoke City, Four-Year Comparison of General District Court Delinquent Collections, Chart: General District Court Four-Year Comparison, Four-Year Comparison of Circuit Court Delinquent Collections, Chart: Circuit Court Four-Year Comparison, Four-Year Comparison of Juvenile and Domestic Relations District Court Delinquent Collections, and Chart: Juvenile and Domestic Relations District Court Four-Year Comparison.

(For full text, see report on file in the City Clerk's Office.)

Without objection by Council, the Mayor advised that the report would be received and filed.

BUDGET-COMMONWEALTH'S ATTORNEY-GRANTS-VICTIM/WITNESS/JUROR PROGRAM: A communication from Donald M. Caldwell, Commonwealth's Attorney, in connection with a Victim/Witness Assistance Grant, was before Council.

It was advised that the Victim/Witness Assistance Program has been awarded a 12 month, \$102,338.00 grant (#03-l8554VW02) for July 2002 through June 2003, from the Department of Criminal Justice Services (DCJS) which will allow the Victim/Witness Assistance Program to continue to provide comprehensive information and direct services to crime victims and witnesses, in accordance with the Virginia Crime Victim and Witness Rights Act; and the Victim/Witness Program continues to operate with a full-time coordinator for the Circuit Court, as well as one full time assistant for the Juvenile and Domestic Relations Court and one full-time assistant for the General District Court.

It was further advised that the Victim/Witness Program is coordinated by the Office of the Commonwealth's Attorney; cost to the City for Grant #03-l8554VW02 would be \$25,671.00 as a local cash match, for a total grant budget of \$128,009.00; the local cash match is equal to that of fiscal year 2001-2002; and is included in the General Fund fiscal year 2002-2003 adopted budget in the Transfer to Grant Fund Account.

The Commonwealth's Attorney recommended that Council accept Victim/Witness Grant No. 03-l8554VW02 for \$102,338.00, with the City of Roanoke providing \$25,671.00 as a local cash match from funds provided in the Transfer to Grant Fund Account in the fiscal year 2002-03 budget, for a total grant of \$128,009.00; and authorize the City Manager to execute all appropriate documents to obtain Grant No. 03-l8554VW02, with budget funding, in the amount of \$128,009.00 in revenue accounts to be established in the Grant Fund by the Director of Finance; and appropriate \$128,009.00 to certain expenditure accounts as set forth in Attachment B to the communication.

A communication from the City Manager concurring in the recommendation of the Commonwealth's Attorney, was also before Council.

Mr. Carder offered the following budget ordinance:

(#36020-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 324.)

Mr. Carder moved the adoption of Ordinance No. 36020-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#36021-081902) A RESOLUTION authorizing the acceptance of Grant No. 03-18554VW02 made to the City of Roanoke by the Commonwealth of Virginia Department of Criminal Justice Services for a Victim/Witness Assistance Program and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

(For full text of Resolution, see Resolution Book No. 65, page 325.)

Mr. Carder moved the adoption of Resolution No. 36021-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

DRUGS/SUBSTANCE ABUSE-BUDGET-COMMONWEALTH'S ATTORNEY-GRANTS: A communication from the Honorable Donald M. Caldwell, Commonwealth's Attorney, in connection with a Drug Prosecutor grant, was before Council.

The Commonwealth's Attorney advised that Federal funding was made available to the Commonwealth of Virginia to be used for the development of several Multi-Jurisdictional Special Drug Prosecutors statewide, which positions were developed to coordinate prosecutorial efforts among independent jurisdictions, reduce fractional and duplicate prosecutions, enhance the recovery of criminal assets, utilize Federal, State and local resources to assure maximum prosecutorial effectiveness and to provide specialized prosecutorial resources to the regional drug enforcement effort; the Commonwealth's Attorneys of Craig County, Franklin County, Roanoke County, and the Cities of Roanoke and Salem applied on October 9, 1987, to the Commonwealth's Attorneys' Services Council, the State agency responsible for administration of the grant money to fund a Multi-Jurisdictional Special Drug Prosecutor; and Council accepted the Multi-Jurisdictional Special Drug Prosecutor Grant in April, 1988, and a full-time Special Drug Prosecutor was hired in July, 1988.

It was further advised that on April 15, 1994, funding for the Drug Prosecutor's Office was transferred from the Commonwealth's Attorneys' Services Council to the Compensation Board; the Compensation Board approved funding for the Drug Prosecutor, in the amount of \$91,615.00 on April 30, 2002, which funding will continue through June 30, 2003; local share cost is \$21,941.00, for a total of \$113,556.00, and is budgeted in two separate accounts: Transfer to Grant Funds (001-250-9310-9535 - \$12,560.00) and Contingency (001-300-9410-2199 - \$9,381.00); and annual re-application for funding is required.

The Commonwealth's Attorney recommended acceptance of funding from the Compensation Board, in the amount of \$91,615.00, with the City of Roanoke providing local share funding of \$21,941.00; that Council authorize the City Manager to execute the requisite documents to obtain the funding from the Compensation Board; and that the Director of Finance be authorized to establish revenue estimates in the amount of \$113,556.00 in the Grant Fund and appropriate funding to certain expenditure accounts, as more fully described in Attachment 1 to the communication report.

A communication from the City Manager recommending that Council concur in the recommendation of the Commonwealth's Attorney was also before the body.

Mr. Carder offered the following budget ordinance:

(#36022-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 326.)

Mr. Carder moved the adoption of Ordinance No. 36022-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36023-081902) A RESOLUTION authorizing the acceptance of funding for the regional drug prosecutor's office from the Compensation Board of the Commonwealth of Virginia and authorizing the acceptance, execution and filing of appropriate documents to obtain such funds.

(For full text of Resolution, see Resolution Book No. 65, page 328.)

Mr. Dowe moved the adoption of Resolution No. 36023-081902. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-COMMONWEALTH'S ATTORNEY-POLICE DEPARTMENT: A communication from the Commonwealth's Attorney in connection with Asset Forfeiture was before Council.

The Commonwealth's Attoreny advised that in an effort to better fund law enforcement efforts to fight crime, particularly drug crime, in 1986, the Federal Government adopted a system of asset forfeiture whereby forfeited assets, under certain conditions, could be returned to local law enforcement agencies, police and prosecutors, for use in their fight against crime; in July, 1991, the Virginia asset

forfeiture statute, which generally is patterned after the Federal statute, took effect, providing that forfeited criminal assets may be returned to local police and prosecutors for use in the fight against crime; periodically, assets seized as evidence are ordered forfeited by local courts to the police or the Office of the Commonwealth's Attorney to be used for criminal law enforcement efforts; and in August, 1991, a grant fund account for cash assets forfeited to the Office of the Commonwealth's Attorney was established with an appropriation of \$25,000.00.

It was further advised that since August, 1991, the Office of the Commonwealth's Attorney has expended the \$25,000.00 originally appropriated, and periodically receives additional funds from the State's asset sharing program; grant requirements include that funds be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; revenues collected through June 30, 2002, for the grant total \$146,911.78, with interest collected through June 30, 2002, at \$14,721.09; funding received in excess of the revenue estimate totaling \$22,480.42 needs to be appropriated; and funds must be appropriated before they can be expended for law enforcement.

The Commonwealth's Attorney recommended that the Director of Finance be authorized to increase the revenue estimate, in the amount of \$20,236.00, plus \$2,245.00 interest, and appropriate funds to accounts listed on Attachment 1 to the communication.

A communication from the City Manager recommending that Council concur in the recommendation of the Commonwealth's Attorney, was also before the body.

Mr. Dowe offered the following budget ordinance:

(#36024-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 329.)

Mr. Dowe moved the adoption of Ordinance No. 36024-081902. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BONDS/BONDS ISSUES-ANIMALS/INSECTS: A communication from F. B. Webster Day, Attorney, representing the Industrial Development Authority of Botetourt County, requesting adoption of a measure approving issuance of bonds by the Industrial Development Authority of Botetourt County, Virginia, for the benefit of the Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc., and Animal Care Services, Inc., for issuance of up to \$3,600,000.00 of Industrial Development Authority revenue bonds to assist in financing, acquisition, construction and equipping of the Regional Pound Facility, which will be located within the City of Roanoke, was before Council.

Mr. Cutler offered the following resolution:

(#36025-081902) A RESOLUTION approving the issuance of bonds by the Industrial Development Authority of Botetourt County, Virginia, for the benefit of Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc., and Animal Care Services, Inc.

(For full text of Resolution, see Resolution Book No. 65, page 331.)

Mr. Cutler moved the adoption of Resolution No. 36025-081902. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

REPORT OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

LIBRARIES: The City Manager introduced Demetria Tucker, Library Services Coordinator, for a briefing on the PC Navigator Program.

Ms. Tucker introduced seven of the 16 young people who participated in the Library PC Navigator Student Computer Assisted Program. She advised that the program was created to empower teens, ages 12 - 17, with computer and library research skills, as well as to provide an opportunity for actual work experience, to give back to the community, and to receive a stipend of \$25.00. She stated that funds provided for the pilot program included a \$5,000.00 Library Services and Technology Grant from the Virginia State Library and Archives and additional funding from the City's Office on Youth for participation by four additional students. She noted that students received customer service training, as well as training with computer software, library on line data bases, Gates Educational Software, and Internet researching technologies.

Without objection by Council, the Mayor advised that the briefing would be received and filed.

ITEMS RECOMMENDED FOR ACTION:

ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that City staff recommends the use of a firm that specializes in providing project administration/inspection/management services (services) to monitor, inspect, and administer on a daily basis the on-going construction project for Phase I, and future Phase II, of the Roanoke Civic Center Expansion and Renovation Project; construction contract for Phase I is with Martin Brothers, Inc., in the amount of \$2,349,600.00; Rosser International, Inc., is the architect and engineer on the Project; Rosser is also the architect and engineer for the Phase II Project, but no construction contract has been issued since Phase II is currently in the design phase; and City staff recommends that the use of a firm to provide the above project services, and possibly some value engineering and/or constructability review may be necessary due to the complicated nature of the Project.

It was further advised that following interviews by the selection committee, the firm of KCI Technologies, Inc., was deemed the best qualified to provide the above referenced services; City staff has negotiated an acceptable agreement with KCI Technologies, Inc., to provide for Phase I services(now under construction), in an amount not to exceed \$130,900.00; the agreement also provides that KCI will provide

such services for Phase II when the project is ready to be bid and during construction and possibly during the design phase; and cost of providing services for Phase II is in an amount not to exceed \$395,000.00, but since funding is currently limited, KCI has agreed to perform services on Phase II as specifically requested by the City and only as funds become available for such services.

It was explained that funding for Phase I services under the agreement is available in Civic Center Expansion/ Renovation Phase I, Account No. 005-550-8615; and funding for Phase II services will be provided at a later date.

The City Manager recommended that she be authorized to execute a contract for the above referenced consultant services with KCI Technologies, Inc., in an amount not to exceed \$130,900.00, for Phase I and an amount not to exceed \$395,000.00, for Phase II, provided that services for Phase II are specifically subject to the availability and appropriation by Council of funds for such services.

Mr. Dowe offered the following resolution:

(#36026-081902) A RESOLUTION authorizing a contract with KCI Technologies, Inc., to provide project administration/inspection/management services to monitor, inspect and administer on a daily basis the on-going construction project for Phase I, and future Phase II, of the Roanoke Civic Center Expansion and Renovation Project, and which may also include some value engineering and/or constructability review services.

(For full text of Resolution, see Resolution Book No. 65, page 333.)

Mr. Dowe moved the adoption of Resolution No. 36026-081902. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

AIRPORT-APPALACHIAN POWER COMPANY-BUDGET-SEWERS AND STORM DRAINS: The City Manager submitted a communication advising that the Airport Road Storm Drain Extension project represents the second and final phase of storm drain improvements near the intersections of Airport Road and Municipal Road, as well as Airport Road and Towne Square Boulevard, which project was broken down

to two phases to allow construction to start on the portions within City right-of-way (Phase 1), while property acquisition was completed for the second phase; and the proposed storm drain project supports the continuing economic development of the area and is part of the capital improvement project known as Innotech Expansion, which will provide a regional storm water management facility for undeveloped properties, as well as improved drainage for an area with chronic flooding problems.

It was further advised that four bids were received on Tuesday, August 6, 2002, with Aaron J. Conner, General Contractor, Inc., submitting the low bid in the amount of \$186,860.00 and construction time at 120 consecutive calendar days; funding in the amount of \$215,000.00 is needed for the project, with additional funds that exceed the contract amount to be used for miscellaneous project expenses including advertising, prints, test services, minor variations in bid quantities, utility adjustment by Appalachian Power Company d/b/a American Electric Power, Cox Communications, and unforeseen project expenses; and funding in the amount of \$215,000.00 is available from Capital Projects Fund interest earnings.

The City Manager recommended that she be authorized to execute a contract with Aaron J. Conner, General Contractor, Inc., in the amount of \$186,860.00, with 120 consecutive calendar days of contract time; that all other bids received by the City be rejected; and that Council appropriate \$215,000.00 from Capital Projects Fund balance available from Interest Earnings to an account to be established by the Director of Finance entitled, "Airport Road Storm Drain Extension".

Mr. Carder offered the following budget ordinance:

(#36027-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 334.)

Mr. Carder moved the adoption of Ordinance No. 36027-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt,
and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following ordinance:

(#36028-081902) AN ORDINANCE accepting the bid of Aaron J. Conner, General Contractor, Inc., for storm drain improvements near the intersections of Airport Road and Municipal Road, as well as Airport Road and Towne Square Boulevard, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 335.)

Mr. Carder moved the adoption of Ordinance No. 36028-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-TELEPHONE COMPANIES-TELEPHONE EQUIPMENT-SCHOOLS: The City Manager submitted a communication advising that in 2001, bids were received from vendors for telephone system solutions to replace the current centrex service which is currently used within City offices; due to considerable technological advances, the original specifications of the bid were considered obsolete; additionally, procurement procedures were not followed after bid opening; and Council rejected all bids and authorized the use of competitive negotiation as the method to secure vendors to provide the City's new telephone system through a RFP process.

It was further advised that eight bids were received on May 7, 2002, and reviewed by a team of eight City employees which unanimously agreed that Verizon offered the best solution for the City's telephone system requirements; Verizon would also provide invaluable project management support for conversion of the current Centrex System and implementation of the new system scheduled for October, 2002; and certain benefits to be gained by the proposed telephone system are:

Cost saving of \$123,000.00 the first year and \$36,000.00 in each of the following years.

Most important is the standardization of services and instruments as a result of the many different types of systems currently used throughout the City.

Capability to provide centralized voice mail for everyone on the new PBX system.

More detailed call accounting information for use by management.

City control and management of moves/adds/changes in requests for service.

Better management and cost control of long distance calls.

The City Manager recommended that she be authorized to enter into a contract with Verizon Select Services, Inc., to be approved as to form by the City Attorney, in the amount of \$1,258,004.00; funding for the project is available as follows: \$880,291.00 is available from Department of Technology Fund Account No. 013-052-9603; \$47,754.00 may be appropriated from Civic Center Retained Earnings Account, \$41,146.00 from the Water Fund Retained Earnings Account, \$27,248.00 from the Sewer Fund Retained Earnings Account, \$37,982.00 from the Health Department, and \$223,583.00 from the Department of Technology Retained Earnings Account to Telephone Project Account No. 013-430-9847.

Mr. Cutler offered the following budget ordinance:

(#36029-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General, Water, Water Pollution Control, Civic Center, and Department of Technology Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 337.)

Mr. Cutler moved the adoption of Ordinance No. 36029 -081902. The motion was seconded by Mr. Dowe.

Ms. Wyatt inquired as to whether the proposed new telephone system will also incorporate telephones in the City's school system; whereupon, the City Manager advised that the school system was not included at the request of school officials, although the option is available in the future should they wish to become a part of the new system. She called attention to numerous features to the proposed telephone system upgrade; i.e. improved ability to access lines leading to better use of trunk lines throughout the system, first year savings of approximately \$125,000.00 and \$38,000.00 per year thereafter, every main telephone number in every City department will be answered by a human being, unless the lines are busy or the call is received after business hours, and all telephone numbers will remain the same.

Mr. Bestpitch called attention to operational savings during the first year of \$125,000.00 and annual savings thereafter of approximately \$38,000.00, and although the option to participate is a School Board decision, he inquired if it is anticipated that the School Board will select this more cost effective telephone system at some point in the not too distant future.

The City Manager responded that the needs of the School system are different from the needs of the City as a local government, because the schools have numerous decentralized locations. She stated that the school system's decision not to participate at this time could be attributed to the need to complete an assessment of telephone usage in the future, and she would provide the Superintendent of Schools with information on the level of savings to be incurred by the City as a result of the new telephone system, but she noted that savings will be less in the school environment.

Mr. Bestpitch suggested that the topic of telephone cost savings be discussed at the joint meeting of City Council and the Roanoke City School Board to be held on Monday, September 16, 2002, at 5:00 p.m.

Ordinance No. 36029-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt,
and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following ordinance:

(#36030-081902) AN ORDINANCE accepting the bid of Verizon Select Services, Inc., to provide telephone system solutions, to replace the current centrex service, upon certain terms and conditions, and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 340.)

Mr. Harris moved the adoption of Ordinance No. 36030-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET- FDETC: The City Manager submitted a communication advising that the Fifth District Employment and Training Consortium (FDETC) participates in the Federally funded Workforce Investment Act (WIA) for the region, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, as well as the Cities of Covington, Roanoke, and Salem; and WIA funding is for two primary client populations:

- dislocated workers who have been laid off from employment through no fault of their own, and**
- economically disadvantaged individuals as determined by household income guidelines set up by the U. S. Department of Labor.**

It was further advised that the City of Roanoke is the grant recipient and fiscal agent for FDETC funding, thus, Council must appropriate funding for all grants and other monies received by the FDETC.

It was explained that the FDETC has received an award of \$25,000.00 from the Virginia Department of Social Services to provide services to clients under the Economic and Employment Improvement Program for Disadvantaged Persons (EEIP), for the period July 1, 2002 through June 30, 2003; and the FDETC has received funds from jurisdictions in the Fifth Planning District to offset administrative costs; and to date, allocations totaling \$4,961.00 have been received (Botetourt County - \$1,627.00; City of Salem - \$1,278.00; City of Covington - \$2,056.00).

The City Manager recommended that Council appropriate FDETC funding totaling \$29,961.00 and increase the revenue estimate by \$29,961.00 in accounts to be established in the Consortium Fund by the Director of Finance.

Mr. Carder offered the following budget ordinance:

(#36031-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Fifth District Employment and Training Consortium Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 341.)

Mr. Carder moved the adoption of Ordinance No. 36031-081902. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

TELEPHONE COMPANIES-TELEPHONE EQUIPMENT-POLICE DEPARTMENT:
The City Manager submitted a communication advising that following the terrorist attacks of September 11, 2001, and initiation of the Police Department's "Homeland Defense Initiative", U. S. Cellular approached the Police Department with an offer to help; the Homeland Emergency Loaner Phone (HELP) program would allow the Police Department to use six activated cell phones during times of crisis or disaster, which full-access phones would be deployed only when a situation required additional communications capability; the Community Action Life Line (CALL) program would provide 18 cell phones with paging capability for use by the Police Department's Tactical Response Team; many Tactical Response Team members and hostage negotiators are not equipped with pagers to allow prompt notification or call-out; CALL phones allow calls only to specific Police Department phone numbers; and U. S. Cellular will provide the phones and service at no cost to the City of Roanoke.

The City Manager recommended that she be authorized to contract with U. S. Cellular for use of "HELP" and "CALL" program cell phones and service for a period of one year.

Mr. Carder offered the following resolution:

(#36032-081902) A RESOLUTION authorizing execution of an agreement between the City of Roanoke and U. S. Cellular, providing for use of cellular phones for the Homeland Emergency Loaner Phone (H.E.L.P.) and the Community Action Life Line (C.A.L.L.) programs.

(For full text of Resolution, see Resolution Book No. 65, page 343.)

Mr. Carder moved the adoption of Resolution No. 36032-081902. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET: The City Manager submitted a communication advising that in 1986, Congress authorized the transfer of certain Federally forfeited property to State and local law enforcement agencies that participated in investigation and seizure of the property; application for an equitable share of property seized by local law enforcement must be made to the U. S. Department of Justice and certified by the City Attorney; and this property, including funds shared with State and local agencies, may be used only for the purpose stated in the application, i.e., narcotics investigations related to law enforcement.

It was further advised that participation in Federally forfeited property enhances the effectiveness of narcotics investigations by providing necessary investigations equipment, investigative funds, overtime expenses, and offsets the costs that would otherwise have to be borne by City taxpayers; the Police Department receives funds periodically from the Federal Government’s asset sharing program; grant requirements state that the funds be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; and revenues totaling \$44,677.00 have been collected and are available for appropriation in Grant Fund Account Nos. 035-640-3304-3305 and 035-640-3304-3306.

The City Manager recommended that Council appropriate \$44,677.00 to the Grant Fund account for Investigations & Rewards (035-640-3304-2150), and increase Grant Fund revenue estimates for Account No. 035-640-3304-3305 by \$44,119.00 and Account No. 035-640-3304-3306 by \$558.00.

Mr. Carder offered the following budget ordinance:

(#36033-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 344.)

Mr. Carder moved the adoption of Ordinance No. 36033-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-WATER RESOURCES: The City Manager submitted a communication advising that on February 4, 2002, the Carvins Cove Reservoir had dropped to a level below the spillway of 20.0 feet; and Council declared that a water supply emergency existed, that there was a need to restrict the use of water in the City of Roanoke and approved a Water Conservation Plan.

It was further advised that the Water Conservation Plan is designed to extend the useful life of the water supply until sufficient rainfall occurs to refill the reservoir; the Plan identified a level of 26.0 feet below spillway that the City would begin emergency water purchases; the reservoir reached 26.0 feet below spillway on June 18, 2002, and the City began purchasing water from the City of Salem and Roanoke County; daily purchase rate from the City of Salem is 1.5 million gallons per day (mgd) at a cost of \$1,450.00 per million gallons (mg) and 4.0 mgd from Roanoke County at a cost of \$2,970.00 per mg; it is anticipated that the City of Roanoke will purchase water over the next four months or until rainfall and additional water sources are available that can reduce or eliminate its need to purchase water; and in addition to the purchase of emergency water, other drought related costs are being incurred that require additional funding.

It was explained that the need exists to provide funding for unidentified infrastructure repair and replacement, and new services and water lines; funding levels for these accounts was reduced during the budget process and needs to be restored to levels that will sufficiently address emergencies and critical infrastructure improvements; and the new services, hydrants and water lines are reimbursed through fees and charges paid by customers.

The City Manager recommended that Council appropriate \$1,450,000.00 from the Water Fund retained earnings into Account No. 002-510-2160-2256, Purchase Water – Roanoke County, \$261,000.00 into Account No. 002-510-2160-2255, Purchase Water – Salem, \$130,000.00 into Account No. 002-510-2160-2257, Purchase Water – Vinton, to provide for emergency water purchases; \$10,000.00 into Account No. 002-510-2160-1004, Temporary Wages, to provide for additional personnel necessary to manage the drought plan, \$25,000.00 into Account No. 002-510-2160-2015, Advertising, to provide for public relations materials, etc., \$350,000.00 into Account No. 002-510-2178-9026, Water – Unidentified Plant Replacement, to fund repair and replacement, and \$200,000.00 into Account No. 002-510-2178-9025, Water – New Services, Hydrants, Lines, to fund installation of new service requests directly reimbursed through fees and charges.

Mr. Carder offered the following budget ordinance:

(#36034-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 345.)

Mr. Carder moved the adoption of Ordinance No. 36034-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-WATER RESOURCES: The City Manager submitted a communication advising that improvements are needed at the Regional Water Pollution Control Plant to control and treat high flows that occur during wet weather; a Preliminary Engineering Report (PER) has been developed to address improvements, which has been reviewed and approved by each partnering jurisdiction (Botetourt County, Roanoke County, Salem City, and the Town of Vinton), and submitted to the Virginia Departments of Environmental Quality and Health for their review; and engineering design services are now needed to prepare detailed plans, specifications, and bid documents necessary to complete the work which will include various modifications and improvements referred to in the PER, as well as other items necessary to satisfy regulatory requirements.

It was further advised that proposals were solicited and received from four engineering firms; all four firms were short-listed, however, one firm withdrew from consideration before interviews were conducted; and a selection committee selected Hazen and Sawyer, P.C. at a negotiated agreement in the form of a lump sum fee of \$3,100,000.00.

It was further advised that the contract specifies a primary hydraulic and biological design flow of 52 million gallons per day annual average daily flow, and design work for two additional elements, each of which would increase the hydraulic and biological design flow by three million gallons each, or six million gallons cumulatively; significant provisions of the contract include extensive liquidated damage provisions related to project schedule and project management (\$500.00 per day damages for missing completion dates for specific project phases and \$50,000.00 in damages if the Project Manager is replaced), a five percent fee retainage provision with the right to deduct monies owed to the City, increased insurance requirements to \$15,000,000.00 aggregate, and specific language requiring the engineer to continue design and work at no cost to the City until specific Project goals, such as capacity and performance are achieved; and the contract also contains a provision to allow for the engineer to earn up to a \$500.00 per day bonus (with a \$40,000.00 maximum limit) for completion of certain phases of work ahead of schedule so that the City of Roanoke will be able to comply with the schedule in the City's Consent Order with the State Water Control Board.

It was explained that the City's portion of funding for the contract is anticipated to be \$1,426,000.00, subject to further negotiations with partnering jurisdictions; the City's portion of funds is available in Retained Earnings in the Water Pollution Control Fund; Utility Staff and the Department of Finance have completed a State Revolving Loan Fund application to request reduced interest project funding from the State; the loan amount requested includes the current engineering costs which would allow for return of the City's share of engineering costs to Retained Earnings; and the balance of monies will be provided from contributions by partnering jurisdictions, according to a cost allocation formula, which is expected to be similar to that as set forth in the Multi-Jurisdictional Contract dated November 1994, pursuant to Resolution No. 32204-101094.

The City Manager recommended that she be authorized to execute a contract for engineering and consulting services with Hazen and Sawyer, P.C., in the amount of \$3,100,000.00 to provide design and consulting services, said contract to be in a form approved by the City Attorney; that Council amend the Water Pollution Control Fund fiscal year 2002/2003 budget and appropriate \$1,426,000.00 from Retained Earnings, to provide design and consulting services, and appropriate a total of \$1,674,000.00 from Other Local Governments to the same project account; establish

accounts receivable from partnering jurisdictions according to a cost allocation formula; and adopt a resolution declaring the City's intent to reimburse itself up to the \$3,100,000.00 from proceeds of any funds from the State Revolving Loan Fund, or from a future bond issue.

Mr. Carder offered the following budget ordinance:

(#36035-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Pollution Control Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 346.)

Mr. Carder moved the adoption of Ordinance No. 36035-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36036-081902) A RESOLUTION authorizing a contract with Hazen and Sawyer, P.C., for engineering and consulting services for the design and development of plans, specifications, and bid documents necessary to provide improvements to the City's Regional Water Pollution Control Plant to control and treat high flows that occur during wet weather and related work.

(For full text of Resolution, see Resolution Book No. 65, page 348.)

Mr. Dowe moved the adoption of Resolution No. 36036-081902. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#36037-081902) A RESOLUTION declaring the City's intent to reimburse itself from the proceeds of its tax-exempt obligations for certain moneys to be appropriated by the City for the City's share of expenditures in connection with improvements to the Regional Water Pollution Control Plant; and providing for an effective date.

(For full text of Resolution, see Resolution Book No. 65, page 349.)

Mr. Carder moved the adoption of Resolution No. 36037-081902. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

CITY ATTORNEY:

TAXES-DELINQUENT TAXES: The City Attorney submitted a written report with regard to delinquent real estate taxes, advising that during the last session, the General Assembly amended §15.2-2286.B, Code of Virginia, as follows:

Prior to the initiation of an application for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes owned to the locality which have been properly assessed against the subject property have been paid.

The City Attorney transmitted a measure which would implement this provision in the City of Roanoke and ensure that real estate taxes are current on properties where the enumerated types of approvals and permits are being sought.

Mr. Dowe offered the following ordinance:

(#36038-081902) AN ORDINANCE adding a new Section 32-7, Delinquent Real Estate Taxes, to Chapter 32, Taxation, Code of the City of Roanoke (1979), as amended, requiring that real estate taxes be current before certain applications may be made to the City; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 350.)

Mr. Dowe moved the adoption of Ordinance No. 36038-081902. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES:

BUDGET-GRANTS-SCHOOLS: A communication from the Roanoke City School Board requesting that Council appropriate \$125,000.00 for the Title I Even Start Family Literacy Grant, which will provide parental and preschool workshops for family literacy efforts at the preschool and adult education levels, said grant to be 100 per cent reimbursed by Federal funds, was before the body.

A report of the Director of Finance recommending that Council concur in the request was also before the body.

Mr. Carder offered the following budget ordinance:

(#36039-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 351.)

Mr. Carder moved the adoption of Ordinance No. 36039-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

(Council Members Wyatt and Dowe requested that the City Manager discuss further training for participants of the program with the School Superintendent.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

CITY COUNCIL: Mr. Cutler offered the following resolution:

(#36040-081902) A RESOLUTION canceling the work session of City Council scheduled to be held at 12:15 p.m., on September 30, 2002, and changing the date of the regular meeting of City Council scheduled to be held at 12:15 p.m. and 2:00 p.m., on Tuesday, October 1, 2002, to 12:15 p.m., and 2:00 p.m., on Thursday, October 3, 2002.

(For full text of Resolution, see Resolution Book No. 65, page 353.)

Mr. Cutler moved the adoption of Resolution No. 36040-081902. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

POLICE DEPARTMENT-TRAFFIC: Council Member Wyatt called attention to a telephone call from a business owner on Trinkle Avenue, N. E., commending the City of Roanoke on measures which have been implemented to address cruising on Williamson Road.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

HEALTH DEPARTMENT-HOUSING AUTHORITY: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed concern with regard to mosquitos and the West Nile Virus that has been reported in a number of dead birds in the Roanoke area. She also expressed specific concern for residents of the Lincoln Terrace housing development who do not have screen doors on their housing units.

FIRE DEPARTMENT-CITY EMPLOYEES: Ms. Helen E. Davis, 35 Patton Avenue, N. E., requested that Council review the plan to close fire stations in the predominantly black community, which could have serious implications for those neighborhoods. She spoke in support of City employees who work diligently for the citizens of the City of Roanoke.

CITY MANAGER COMMENTS:

HEALTH DEPARTMENT: The City Manager advised that Dr. Molly L. O'Dell, Director, Health Department, has maintained contact with the City of Roanoke with regard to the West Nile Virus and certain preventative measures that may be taken by citizens to protect themselves.

BUDGET: The City Manager advised that the revenue shortfall at the State level is more than was originally projected, exceeding \$1.4 billion. She stated that further reductions at the State level will occur, some of which will have a ripple effect on localities.

WATER RESOURCES: The City Manager pointed out that the Governor's Office may intervene in the Commonwealth of Virginia's situation as it relates to drought conditions throughout the State.

ROANOKE CIVIC CENTER-TRAFFIC: The City Manager called attention to increased signage and shuttle buses that will be available on Tuesday, August 20, 2002, and Friday, September 6, 2002, to address large volumes of traffic in connection with concerts at the Roanoke Civic Center, which measures are intended to better serve patrons of the two events.

At 3:35 p.m., the Mayor declared the meeting in recess to be reconvened at 5:00 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

A joint meeting of City Council and the City Planning Commission was called to order at 5:00 p.m., on Monday, August 19, 2002, in Room 159, Emergency Operations Center Conference Room, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Ralph K. Smith and Chairman Robert B. Manetta presiding.

COUNCIL MEMBERS PRESENT: William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, and Mayor Ralph K. Smith-----6.

ABSENT: Council Member William D. Bestpitch-----1.

CITY PLANNING COMMISSION MEMBERS PRESENT: Gilbert E. Butler, Jr., S. Wayne Campbell, D. Kent Chrisman, Melvin L. Hill, Robert B. Manetta, Richard A. Rife, and Fredrick M. Williams-----7.

ABSENT: None-----0.

OTHERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk, Robert B. Townsend, Director of Planning Building and Development and Martha P. Franklin, Secretary, City Planning Commission.

COUNCIL-COMMUNITY PLANNING: The Mayor welcomed members of the City Planning Commission and staff to the meeting and advised that following dinner, the business session would convene.

The invocation was delivered by Vice-Mayor Harris.

Following dinner, the business session convened at 5:35 p.m.

THE COMPREHENSIVE PLAN AS THE CITY OF ROANOKE "GUIDING LIGHT":

Mr. Carder advised that the Comprehensive Plan should be the guiding light and the ruler by which City Council, the City Planning Commission and City staff base all decisions and discussions. He referred to the City's streets and corridors and pointed out that the Comprehensive Plan states that City streets should be

pedestrian friendly, pro business/high density, with traffic calming measures, etc.; however, he referenced a plan for a left turn lane on Williamson Road which is contrary to the Comprehensive Plan and to the Williamson Road Corridor Plan. He suggested future work sessions to discuss street arteries and corridors, how they fit in with the Comprehensive Plan and how they become pedestrian friendly. He called attention to Brandon Avenue through the Raleigh Court area where there is a five lane highway which is not user friendly, and there was previously an opportunity to turn the area into residential/retail development.

DISCUSSION:

The City Planning Commission and the citizenry at-large are gravitating in the direction of new urbanism.

The Zoning Ordinance and Subdivision Ordinance update will be a valuable tool to the City Planning Commission.

Successful implementation of the Comprehensive Plan starts in the City's budget process – can a new project/expenditure be supported based on the Comprehensive Plan.

Once the zoning classifications are updated, zoning classifications must be assigned and the most difficult component will be deciding which zoning districts are incorporated in which places along Roanoke's corridors, while moving away from strip commercial toward compact neighborhood oriented commercial types of development.

With the Comprehensive Plan and revisions to the zoning ordinance, there is an opportunity to reach a collective focus which has not heretofore existed.

Some persons would like for the Comprehensive Plan to magically happen, but there are numerous other steps that need to occur first, and the zoning ordinance and zoning map are key implementers to the Comprehensive Plan, therefore, the question becomes when to begin the necessary steps. It is intended to adopt neighborhood plans as elements of the Comprehensive Plan in the same way that the Outlook Roanoke Plan was adopted as an element to the Comprehensive Plan. Another 12 - 14 months will be needed before the zoning ordinance/maps are updated, and it must be emphasized that certain elements of the process will not be available for quite some time.

In summary, the City Manager advised that Council and the City Planning Commission are the two groups that must decide how seriously they want to make the Comprehensive Plan the City's guiding principle, and it should be taken into consideration that there must be certain other key elements in place before the Comprehensive Plan can be implemented.

UNDERGROUNDING OF UTILITIES AS A PART OF MAJOR STREET REBUILDING PROJECTS:

Chairman Manetta advised that in placing the item on the agenda, he was referring primarily to the future expansion of 10th Street and the opportunity to install underground utilities. He stated that a concern of the City administration relates to costs and suggested that the City obtain information on actual costs associated with undergrounding utilities and not rely totally on information supplied by the Virginia Department of Transportation (VDOT), because VDOT may prefer spending its money on asphalt, as opposed to undergrounding utilities.

DISCUSSION:

If one envisions the City 50 - 75 years into the future, power lines should not be above street level. The City has to start at some point in time in areas such as southwest, or southeast where power lines can be brought into the alleys, similar to certain areas of Raleigh Court.

The City should begin to collect data on costs, the time factor for undergrounding, and prioritize those areas where utilities should be underground.

The bio medical facility in the Riverside Centre is a new development that is required to have underground utilities, which is in compliance with the City's Comprehensive Plan.

The City should take actions that get it closer to the Comprehensive Plan, and if the Williamson Road Corridor wants to be totally pedestrian friendly, the City should do what it can to get closer to that point, rather than something that is contrary to that direction.

When addressing the undergrounding of utilities, consideration should be given to the fact that in the overall scheme of things, the City has many needs and the City of Roanoke should not take on the burden of doing everything for everyone.

The City must start thinking tactically about the Comprehensive Plan, which will lead to tree lined streets, traffic calming, undergrounding of utilities, etc.

The City Manager advised that the issue is broader than just 10th Street because 10th Street is an example of a future highway project, although it is not known when the project will be completed since the Six Year Plan of VDOT is no longer viable. She advised that if Council is serious about the issue of underground utilities, a work session would be in order with American Electric Power officials to discuss costs, options in terms of financing, etc. She stated that the issue is whether the community in a broader sense, or smaller subcommunities, are willing to pay a special rate for electricity in order to receive undergrounding, and the answer may differ by community, or on a City-wide basis. She advised that undergrounding of utilities is a policy decision and it will be necessary for Council to decide when that specific policy is to be addressed.

The Mayor requested that the City Manager obtain information on how undergrounding of utilities is accomplished in other communities, associated costs, etc.

The City Manager advised that undergrounding of utilities will be done at the Riverside Centre, underground utilities currently exist at the Roanoke Centre for Industry and Technology, and will be required for new development, however, the question is what to do with existing development which carries a large price tag. For example, she advised that approximately \$2 million for approximately 2000 feet will be spent on undergrounding the overhead wiring in Jefferson Street in the vicinity of Carilion. She stated that if undergrounding of utilities is an issue that Council wants to study, she will schedule a future work session.

DEVELOPMENT AND UPDATE OF THE GREENDAY/PEDESTRIAN PLAN FOR THE CITY OF ROANOKE:

Chairman Manetta called attention to numerous issues concerning pedestrian design and development in the City of Roanoke which will require rethinking about sidewalks, neighborhoods, and parks, and within the next year, there should be an update as to how those types of ideas tie in with the greenway plan.

DISCUSSION:

There should be a prioritization for the greenway plan.

There should be an assurance that greenways interconnect, and neighborhoods should approve of greenways and feel a sense of ownership.

The existence of a greenway along the Roanoke River places more focus on the Roanoke River and there is a higher expectation in terms of more frequent litter pickup, etc., therefore, a greenway along the Roanoke River tends to improve the quality of the riverside.

With new development, sidewalk, curb and gutter will be required to be funded by the developer. In those instances where there is no need or desire for sidewalk, there should be some flexibility to use the money for greenways, or to fund sidewalks at other locations in the City.

REVIEW OF THE CURRENTLY PROPOSED FLOOD REDUCTION PROJECT FOR THE ROANOKE RIVER AND ENSURE CONSISTENCY WITH ENVIRONMENTAL AND AESTHETIC POLICY CONTAINED IN THE COMPREHENSIVE PLAN

Mr. Manetta advised that there has been considerable discussion about the Comprehensive Plan and the scenic quality along the Roanoke River. He suggested that the City abide by some of the suggestions to ensure that the project conforms with the rendition of what the City of Roanoke should be and what the Roanoke River should be.

DISCUSSION:

Undergrounding of utilities tends to eliminate street trees and flood reduction requires the clearing of trees along the river banks.

There was discussion in regard to the Roanoke River Greenway and the flood reduction project; whereupon, it was pointed out by City staff that Phase I of the flood reduction project includes the lower end from the Water Pollution Control Plant through Wasena Park, in the range of \$5 million, and a greenway trail is currently in the first construction phase which is anticipated to start in 2003.

Other than the removal of dead trees and litter, nothing will be done to the banks of the Roanoke River during the first phase, the majority of vegetation will remain as is, but where there are bench cuts, which tend to be on one side or the other, vegetation must be removed. When the first phase of the flood reduction project is completed, all excavation will be completed, all utilities will be relocated and there will be a complete template along the Roanoke River, and it would be hoped that the City would not have to do any significant work in the future. There will be a continuous greenway from the Sewage Treatment Plant to Wasena Park in Phase I. The City will use that portion through Smith Park, tie in on both ends, replace the low water bridges, and the remainder of the length will be a new greenway trail.

The City Manager pointed out that Congress has not approved funding, City staff is encouraging inclusion of the greenway, and the City has the support of Congressman Bob Goodlatte.

STREET AND ALLEY CLOSURE PROCESS AND POLICY:

Chairman Manetta advised that for some time, the City Planning Commission has had concerns with regard to street and alley closures and public land reverting to private ownership, with no compensation to the City of Roanoke. He stated that in recent months, the Planning Commission has received unrealistically low estimates (not fair market value) from the Director of Real Estate Valuation on the value of properties. Therefore, he stated that the City Planning Commission encourages a more efficient policy to address fair market value versus assessed value.

The City Manager called attention to a policy adopted by Council approximately two years ago with regard to compensation for such properties and Council has chosen to address each issue on a case by case basis. She stated that

there have been instances when the City was better off to donate a piece of property to a petitioner for maintenance purposes; however, in those instances where property will enhance development, a value should be placed on the property by the City. She referred to development of a policy by City staff which will include a statement setting forth the property value as determined by the Director of Real Estate Valuation and the Economic Development Department prior to a petitioner submitting an application for vacation or closure.

**CITY PLANNING COMMISSION COORDINATION WITH CITY COUNCIL
APPOINTED/INITIATED SPECIAL CITY COMMISSIONS OR AD HOC TASK FORCES
AND COMMITTEES:**

Chairman Manetta suggested that the City Planning Commission have representation on various City task forces, study committees and ad hoc committees that address specific matters under the jurisdiction of the City Planning Commission so as to provide the Planning Commission's perspective.

OTHER BUSINESS: NONE

There being no further business, at 6:40 p.m. the Mayor declared the City Council meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday August 19, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch (arrived late), William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Mayor Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PUBLIC HEARINGS:

SCHOOLS: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber, to receive the views of citizens regarding appointment of a School Board Trustee to fill the unexpired term of William E. Skeen, resigned, ending June 30, 2005, the matter was before the body.

The following persons applied for the position:

Edna Crabbere
David Dabay
John W. Elliott, Jr.
Lewis P. Grogan
William H. Lindsey
Michael W. Ridenhour

Advertisement of the public hearing was published in The Roanoke Times on Friday, August 9, 2002, and in The Roanoke Tribune on Thursday, August 8, 2002.

The Mayor inquired if there were persons present who would like to address Council in connection with the public hearing. There being none, the Mayor declared the public hearing closed.

The Mayor advised that Council will vote to fill the vacancy at its regular meeting to be held on Tuesday, September 3, 2002, at 2:00 p.m.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Valley Pine Mortgage, Inc., that a tract of land described as a .010 acre portion of Lot 1, Block 7 Mountain View Official Tax No. 1221013 and a 0.204 acre tract portion of Lots 11 and 12, Block 7, Mountain View, Official Tax No. 1221014, be rezoned from RM-2, Residential Multifamily, Medium Density District, to LM, Light Manufacturing District, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Thursday, August 8, 2002.

A report of the City Planning Commission advising that the two subject parcels are between Virginia Avenue and the Norfolk Southern railroad tracks; the petitioner has a contract pending with the owners of Black Dog Architectural Salvage, which plans to relocate its business to the site; the Department of Economic Development is assisting Black Dog Salvage with relocation from its Franklin Road address; the prospective owners plan to use the existing warehouse building on Official Tax No. 1221201 and the adjoining parcel, Official Tax Nos. 1221203 and 1221207, to house an antique storage and retail sales establishment; and the prospective owners propose to use the subject properties for parking, was before Council.

The City Planning Commission recommended that Council approve the request to rezone the subject properties, advising that the rezoning is consistent with the policies of Vision 2001-2020 in that it will encourage redevelopment of an underused industrial site.

Mr. Dowe offered the following ordinance:

(#36041-081902) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 122, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 354.)

Mr. Dowe moved the adoption of Ordinance No. 36041-081902. The motion was seconded by Mr. Carder.

Stephen W. Lemon, Attorney, representing the petitioner, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no further discussion; Ordinance No. 36041-081902 was adopted by the following vote:

AYES: Council Members Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Bestpitch had not entered the meeting.)

At this point Council Member Bestpitch entered the meeting.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday April 6, 1981, the City Clerk having advertised a public hearing for Monday , August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Valley Pine Mortgage, Inc., that a portion of Virginia Avenue, S. W., from 13th Street, to Spottswood Avenue, an alley lying between parcels bearing Official Tax Nos. 1221013 and 1221014; and an alley lying between parcels bearing Official Tax Nos. 1221203 and 1221207, be permanently vacated, discontinued and closed, to the extent that the City of Roanoke has any legal interest in said public right-of-way, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, August 2, 2002, and Friday, August 9, 2002.

A report of the City Planning Commission advising that all of the parcels of land and the alley adjoining Virginia Avenue are vacant; an unoccupied warehouse lies to the west on Official Tax No. 1221201, which the petitioner is under contract to sell; and to the south and west of the alley adjoining Midvale Avenue is a mobile home development that is a grandfathered use on an LM-zoned property, was before Council.

It was explained that the prospective owners plan to use the existing warehouse building on Official Tax No. 1221201 and the adjoining parcels, Official Tax Nos. 1221203 and 1221207, to house an antique storage and retail sales establishment; and they propose to use the subject portion of right-of-way for ingress and egress to the site, and to close off Virginia Avenue from Spottswood Avenue to erect a fence for security concerns.

The City Planning Commission recommended that Council approve the request, advising that such closure will aid in redevelopment of an industrial site; the redevelopment of such sites is encouraged in *Vision 2001-2020*; while *Vision 2001-2020* also encourages maintaining and increasing the connectivity of City roads, the degree of connectivity lost in this case is negligible when compared to the greater gain of developing the site; as a condition of closure, Virginia Avenue will remain open until the reopening of Hannah Circle; and, in addition, the closure, discontinuance and vacation of the subject portion of Virginia Avenue and the paper alleys will be subject to the following conditions:

The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals thereof, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.

Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of the authorizing ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

Upon recording a certified copy of the authorizing ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

If the above conditions have not been met within a period of one year from the date of adoption of the authorizing ordinance, said ordinance shall be null and void with no further action by City Council being necessary.

Mr. Dowe offered the following ordinance:

(#36042-081902) AN ORDINANCE permanently vacating, discontinuing and closing certain public rights-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 355.)

Mr. Dowe moved the adoption of Ordinance No. 36042-081902. The motion was seconded by Mr. Carder.

The City Manager advised that rather than requiring payment for closure of the right-of-way, in this case City staff was of the opinion that enacting those conditions contained in the ordinance would provide an enhanced appearance to the gateway of a neighborhood, as opposed to requiring remuneration. She stated that this is another example of how staff will address the issue of right-of-way and street closure in the future.

Steven W. Lemon, Attorney, representing the petitioner, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no further discussion; Ordinance No. 36042-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of A Space, LLC, that five tracts of land located on Sixth Street, Luck Avenue, and Marshall Avenue, S. W., identified as Official Tax Nos. 1113305, 1113501, and 1113502, zoned LM, Light Manufacturing District, and Official Tax No. 1113312 and a portion of Official Tax No. 1113313, zoned C-1, Office District, be rezoned to C-3, Central Business District, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, August 2, 2002 and Friday, August 9, 2002.

A report of the City Planning Commission advising that the only existing improvement on the subject properties is a masonry warehouse, sometimes referred to as the Cotton Mill, constructed in 1919 and located on Official Tax No. 1113305 and other parcels in the petition for rezoning are used for parking; the petitioner is contemplating a mixed-use development for the vacant warehouse space, which was originally used as a manufacturing facility; and it is proposed that half of the building be occupied by artist studios and loft apartments, with the balance of the property supporting office and retail uses, such as a café/bistro, photography studios, art shops, study groups, dance classes, craft stores, nature stores, outdoor stores, and professional offices, was before Council.

The City Planning Commission recommended that Council approve the rezoning request, advising that given the development and success of the Jefferson Center, the need to connect the Old Southwest neighborhood with downtown, the potential to provide desired downtown residential units and live/work space, and the need to solidify an anchor for the western edge of downtown, the rezoning request is an appropriate and desirable use of the properties.

Mr. Carder offered the following ordinance:

(#36043-081902) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 111, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 359.)

Mr. Carder moved the adoption of Ordinance No. 36043-081902. The motion was seconded by Mr. Dowe.

Nick Glennon spokesperson, appeared before Council in support of the request of the petitioner.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no further discussion; Ordinance No. 36043-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by Council of the City of Roanoke on Monday April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Cesar Dominguez to repeal and replace proffered conditions for rezoning property located at 325 Jefferson Street, N. E., bearing Official Tax No. 3012801, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, August 2, 2002 and Friday, August 9, 2002.

A report of the City Planning Commission advising that on April 16, 2002, Council approved a rezoning of the subject property from RM-2 to C-3, subject to the following conditions, was before the body.

The existing building will be rehabilitated and reused for uses provided for within the C-3, Central Business District. The existing shed in the rear of the property will be removed.

There will be no sale of alcohol permitted in conjunction with any use of property.

It was further advised that the petitioner later reconsidered the first proffer that specified removal of the shed in the rear of the property, and requests that conditions proffered and approved by Ordinance No. 35817-041502 be repealed and replaced with the following proffers:

The existing two-story building will be rehabilitated and reused for uses provided for within the C-3, Central Business District.

There will be no sale of alcohol permitted in conjunction with any use of property.

The Planning Commission advised that the building is vacant and has been uninhabited for over eight years; in the past, the commercial building was the location of the Moses Store and an upstairs apartment where the owners lived; the shed is located to the rear of the property and faces Gilmer Avenue; and amendment of the proffered conditions will give the owner the option of retaining and rehabilitating the accessory buildings, or demolishing the accessory building, with approval by the Architectural Review Board.

The City Planning Commission recommended that Council accept the amended proffered conditions.

Mr. Dowe offered the following ordinance:

(#36044-081902) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 301, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 361.)

Mr. Dowe moved the adoption of Ordinance No. 36044-081902. The motion was seconded by Mr. Carder.

Cesar Dominquez, petitioner, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no further discussion; Ordinance No. 36044-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by Council of the City of Roanoke on Monday April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Cape Town, LC and Steven W. Morris, that two tracts of land located on the southwest side of Roberts Road, S. W., designated as Official Tax Nos. 1290212 and 1290211 (2918 and 2924 Roberts Road respectively), be rezoned from RS-3, Residential Single Family District, to C-1, Office District, subject to certain conditions, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, August 2, 2002 and Friday, August 9, 2002.

A report of the City Planning Commission advising that following its meeting on July 18, a Fourth Amended Petition was filed by the petitioner containing the following proffered conditions, was before Council.

With the exception of ordinary maintenance and the addition of any ramps or other similar structures as may be necessary to satisfy the requirements of applicable laws, such as the Americans with Disabilities Act, the exteriors of the residential structures presently located on both of the lots will remain the same as they are on the date of this petition, without material exterior modification or addition.

Neither of the properties, nor any part of either of them, shall be used as a trade or vocational school of an industrial nature, medical clinic, medical office, or funeral home, club, lodge and fraternal organization, medical laboratory, or public parking lot and structure.

The City Planning Commission recommended that Council approve the amended petition on a vote of 6-0, advising that given the adjacent land uses and zoning patterns, C-1, Office District, permitted uses, particularly as limited by the proffered conditions, are appropriate uses of the subject properties; and the requested zoning change, with retention of the residential structures, provides a reasonable approach to buffering the residential neighborhood from existing intensive commercial uses.

Mr. Dowe offered the following ordinance:

(#36045-081902) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 129, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 363.)

Mr. Dowe moved the adoption of Ordinance No. 36045-081902. The motion was seconded by Mr. Cutler.

Daniel F. Layman, Jr., Attorney, representing the petitioner, appeared before Council in support of the request of his client. He advised that he appeared before Council on May 20, 2002, at which time Council received a report from the City Planning Commission recommending denial of the request on a 3-3 vote. He advised that on May 20, Council requested that the matter be referred back to the City Planning Commission for further study, report and recommendation, and the matter was again consideration by the Planning Commission in July 2002, at which time it received a 6 - 0 vote for approval. He explained that the Planning Commission's recommendation contains a favorable vote by the three City Planning Commissioners who initially voted against the request in May, and noted that three facts led to the change in the position of the City Planning Commission; i.e.: the request was amended to provide that both houses presently located on the lots will remain unchanged unless and until otherwise approved by Council; certain uses

were deleted from the application that City Planning staff believed to be heavier traffic generators; and the City's new Director of Planning advised that the requested rezoning was a proper zoning action for the property. Additionally, he stated that certain facts were presented by the petitioner regarding the facility operated by Carilion and the City Planning Commission agreed that the level of activity on the property is such that it has materially adversely affected the viability of the lots as residential property, because the facility is substantially an all day every day operation which creates more activity in the area than formerly existed at the Moore's Store, therefore, the two lots are completely open to commercial use.

He noted that the statement was made by a Member of Council that there are sufficient C-1 properties currently available in the City of Roanoke; however, he stated that such position would result in a static real estate market, one that would refuse to respond to market forces, and would not take into consideration changes that occur around properties, with the property in question serving as a perfect example. He added that the two houses subject to the rezoning fit within the statement of the intent of the zoning ordinance and the C-1, Office District, which is intended to preserve the existing residential character of neighborhoods and their viability by allowing limited commercial uses and appropriate existing or new structures. He stated that the buildings will remain unchanged except that between the hours of 8:00 a.m. and 6:00 p.m., they will be used for office purposes and from 6:00 p.m. to 8:00 a.m., they will be empty, therefore, the neighborhood will notice little difference in moving from a residential use to an office use.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing.

Mr. Charles Helms, 2951 Roberts Road, S. W., owner of four parcels of rental property in the area, advised that the City Planning Commission previously denied the request on a 3 - 3 vote and is now recommending approval on a 6 - 0 vote; whereupon, he requested a clarification as to the City Planning Commission's rationale for changing its vote. He called attention to an abundance of office space on Franklin Road which is currently empty and questioned the need for more C-1 zoning. He presented a petition signed by 61 persons in the Roberts Road area in opposition to the request for rezoning. He spoke against the rezoning because the two houses would be better served as residential property, and asked that Council deny the request for rezoning.

Ms. Maggie Snyder, 1915 Meadowbrook Road, N. W., advised that she previously lived in the area and was subjected to loud noise at all hours of the day and night from the Carilion facility, music from a bar behind the property, and noise from Franklin Road in general.

Mr. Layman was requested to review the proffered conditions to rezoning which are on file in the City Clerk's Office.

No other persons wishing to be heard, the Mayor declared the public hearing closed.

There being no further discussion, Ordinance No. 36045-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris Wyatt and Mayor Smith-----7.

NAYS: None-----0.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Franklin Road, L.L.C., that a 0.717 acre portion, more or less, of excess right-of-way of Franklin Road that adjoins Official Tax No. 1300101, be permanently abandoned, vacated, discontinued and closed, to the extent that the City of Roanoke has any legal interest in said public right-of-way, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on August 6, 2002 and August 13, 2002.

The City Manager submitted a communication advising that upon Council's July 15, 2002 continuation on the petition to close a portion of the Franklin Road right-of-way, City staff worked with the petitioner to address various questions and concerns raised by Council; and the following outlines the result of staff consultations with the petitioner.

Piping of the open stream adjacent to the right-of-way: The drainage system both to the north and south of this site is currently piped. As part of any subsequent development plan for this site, the Department of Engineering would review the proposal to ensure that the piping of this portion is of a size sufficient to properly handle flows coming from upstream and providing proper transition to existing piping further downstream.

Consideration of future Franklin Road Greenway: While in its conceptual form, there has been no determination as to which side any future greenway along Franklin Road might utilize. The development of this site would result in new curb, gutter, and sidewalk along the Franklin Road frontage where none exists today, and would provide a similar amount of pedestrian walking area as is currently found on existing developed sites north and south of this site on the east side of Franklin Road. Therefore, future greenway or pedestrian way development would not be precluded, but in fact, enhanced, on the east side of the street with the development of this property.

Development conditions related to slopes: The applicant has presented three conditions to which he is willing to commit at this time regarding the slope/cut of the hill to the rear of the property.

- a. There will be no natural/vertical cuts in the terrain of the parcel. All land will either be graded or sloped as geotechnical conditions warrant.
- b. A 10-foot buffer from the rear property line will be retained whereby a minimum of 10 feet of land will remain in its natural undisturbed state, measured from the property line and extending westwardly toward Franklin Road.
- c. Resulting slopes will be re-established with permanent vegetation on all graded areas left unpaved or undeveloped, unless exposed rock results from the cutting into the hill at the rear of the property. (This condition would apply as a result of any development of the site as a part of the City's development plan approval process).

It was further advised that City staff does not believe that these conditions, as currently proposed, give sufficient assurances regarding the range of potential slope percentages that could result on the site as an outcome of the vacated right-of-way being added to the site area, which was the basis of inquiries by City Council Members at the July 15 meeting; and more detailed geotechnical analysis would have to be undertaken by the applicant to begin to identify the range of slope percentages that would result from development of the property either with, or without, the vacated right-of-way being made a part of the site.

Value of right-of-way: \$15,000.00 had been previously identified as the contributory value for the closure of this right-of-way. The petitioner has indicated a willingness to provide payment of a significantly lesser sum of approximately \$7,800.00.

The City Manager advised that the property, by right, is properly zoned to be developed without the street closure; some of Council's issues/concerns regarding development of the property have been addressed in responses above noted; while insufficient information has been provided by the applicant to address in total the post-development range of resulting slope conditions that might result on the property if the right-of-way were to be vacated, the ability to apply at a minimum, condition (b) above, to a street closure approval, would potentially provide a better buffering relationship to the top of the hill than otherwise would happen if the street closure were denied, and the property developed as a matter of right; therefore, City staff can support closure of the portion of the right-of-way with this condition.

Mr. Dowe offered the following ordinance:

"An ORDINANCE permanently vacating discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title."

Mr. Dowe moved the adoption of the ordinance. The motion was second by Mr. Carder.

Stephen Strauss, representing Structures Design/Build, L. L.C., advised that he met with City representatives to discuss and resolve issues that were raised at the July 15, 2002, public hearing. He stated that the City of Roanoke should be a positive force to encourage development within the City and not a hindrance, and discussions with City staff were positive, resulting in a solution that will benefit the City of Roanoke, the adjoining land owners and the developer, given the fact that the property is properly zoned for development. He stated that the majority of the

issues that were raised, such as pipe sizing, erosion concerns and greenway development, will be addressed in the development review process which will ensure that development will comply with the City's established standards. He advised that he is committed to paying \$7,800.00 for the vacated land and, in addition, due to right-of-way vacation, he will ensure that a natural buffer of ten feet will remain in place along the rear of the property for the benefit of residents of White Oak Road.

Mr. Bestpitch recommended a friendly amendment to the ordinance that \$15,000.00 be inserted on page 3, paragraph 2, as follows:

"BE IT FURTHER ORDAINED that prior to receiving all required approvals of the subdivision plat referenced in the previous paragraph, the applicant shall give to the Treasurer for the City of Roanoke a certified check or cash in the amount of fifteen thousand dollars (\$15,000.00) as consideration for this action taken by City Council."

Mr. Dowe and Mr. Carder, maker of the motion currently on the floor, concurred in the friendly amendment offered by Mr. Bestpitch.

Mr. Fred Flowers, 3207 White Oak Road, S. W., advised that there are two opposing interests who would like to purchase the 3.5 acre tract of land on the side of the hill between Franklin Road and White Oak Road, S. W. He stated that residents of White Oak Road wish to preserve the land in its present state by purchasing the land and donating it to the City of Roanoke as a permanent green space; and Structures Design/Build proposes to cut into the hillside and construct three office buildings. He noted that the property owner first offered the land, privately, to the ten adjoining property owners at \$285,000.00 in May 1998, however, at \$28,500.00 per family, residents could not afford to purchase the land and it was placed on the market; and in January 2001, the property had not sold and the owner again offered it to the adjoining property owners at \$150,000.00, but residents still could not afford to purchase the land and continued to hope that the property was priced too high for commercial development. He stated that 17 months later, Structures Design/Build appeared before the City Planning Commission with a proposal that would make commercial development of the property economically feasible by asking the City of Roanoke to donate .7 acre of excess right-of-way on Franklin Road so as to reduce the slope of the cut into the hillside. He explained that the excess right-of-way acreage will provide a significant portion of the project's useable bottom land, costing far less to develop than the hillside portion and dramatically reducing the amount of material to be removed from the hillside and

further lowering development costs. He stated that the revised profile drawing that was presented to the City Planning Commission shows 81 feet of usable bottom land that the developer would purchase and 36 feet that the City would provide; if the City's portion amounts to 44 per cent of the developer's portion of the land and if the option price to the developer is \$150,000.00, market value of the City's land would be 44 per cent, or \$66,000.00; therefore, White Oak Road residents do not agree with the \$7,800.00 or the \$15,000.00 under consideration. He stated that the \$66,000.00 land subsidy, plus substantially reducing excavation costs, could easily be the deciding factors in the project, and it is only with this in mind that the developer has pursued the project. He reiterated that residents of White Oak Road strongly oppose the destruction of the 100 foot wide buffer between the neighborhood and Franklin Road, and request that Council refrain from sweetening the deal for the developer, because the City will be far better off with a newly dedicated green space donated by its citizens.

Mr. James Mullitt, 3227 White Oak Road, S. W., advised that two weeks ago, residents of White Oak Road requested Council's assistance in preserving the wooded hill along Franklin Road between West Motor Sales and Avenham Avenue, which serves as an oasis of nature in an otherwise commercial development, and residents of the area are unanimous in their desire to save this wooded hillside. He stated that everyone benefits from the hillside, which is why residents propose to purchase the land and donate same to the City as a designated green space. He added that it has been learned that development of the property is an economic decision and one of the important economic variables is the City owned right-of-way along Franklin Road, to which the City of Roanoke holds the key. He stated that the area in question is a steep hill, and the City owns a large portion of what could be flat usable land, with the remainder coming from excavation of the hill, therefore, Council's decision not to grant the land to the developer would make development very expensive, and might create the opportunity for the land to be turned into a designated green space. He advised that development would increase the City's tax base, but at what price, i.e.: loss of neighborhood values and loss of beauty and peace to make room for more commercial buildings. He requested that Council deny the sale or the granting of City owned right-of-way to the developer, because residents of the area would like for the green hillside to remain intact for all to enjoy for many years to come.

There being no further speakers, the Mayor declared the public hearing closed.

Mr. Cutler advised that the goals of Council Members should be to promote economic development through the highest and best use of the City's land, to minimize negative environmental impact associated with economic development, to protect unique environmental recreational resources and to obtain fair market value for property rights being transferred from the City, which have been held in trust for the citizens of the City of Roanoke. He stated that just as the City must pay fair compensation for private property rights, the City is owed fair payment for its property rights. He added that the developer in this instance may be unwilling to pay what the right-of-way is worth; therefore, he favors maintaining the land in its natural state and for the residents to acquire the land and donate same to the City of Roanoke as green space. He stated that he intends to oppose transfer of the right-of-way.

Mr. Strauss modified his previous proposal to either pay \$15,000.00 in cash or \$8,200.00, which is the difference between the \$7,800.00 and the \$15,000.00, to be used for additional landscaping.

Upon question, Mr. Strauss advised that regardless of whether the City grants the right-of-way, it is his intent to construct the office building, and, additionally there will be no ten foot buffer on the rear of the property that would be left in its natural state, which would require an even larger cut into the hillside. He reiterated that it is his intent to move forward with development with or without abandonment of the right-of-way by the City.

Mr. Carder advised that he did not feel comfortable with the sale price of \$15,000.00, therefor, he could not support the request. However, he stated that the property owner has the right to develop the land and whether the land remains as green space is not the option of the City of Roanoke.

Mr. Strauss clarified that if the right-of-way is vacated, he would be willing to increase the rear buffer from ten to fifteen feet from the rear property line toward Franklin Road, leaving the area in its natural state with no grading and retain the natural vegetation. Additionally, he stated that City Code requirements with regard to separating a residential and a commercial area would also be included in conjunction with the fifteen feet of natural area. Further, he stated that to reach the contributory value of \$15,000.00, he will either pay the full amount in cash, or a portion in cash, and a portion for additional landscaping.

Ms. Wyatt advised that because of the willingness of the developer to cooperate and his willingness as a corporate citizen to develop the land taking into consideration the needs of the neighborhood through the least amount of invasiveness to the land, she plans to support the request because it is the right and fair thing to do and over the long term, such action will protect the neighborhood.

Mr. Harris advised that he intended to vote against the vacation of the right-of-way because value of the land far exceeds \$15,000.00, and the City Planning Commission voted to deny the request.

Mr. Dowe moved that the ordinance be amended to provide for a 15 foot buffer instead of the 10 foot buffer previously offered by the petitioner. The motion was seconded by Ms. Wyatt and adopted.

There being no further discussion; the Ordinance, as amended, was lost by the following vote:

AYES: Council Member Wyatt and Mayor Smith-----2.

NAYS: Council Members Dowe, Harris, Bestpitch, Carder and Cutler-----5.

ECONOMIC DEVELOPMENT-CITY PROPERTY-INDUSTRIES-LEASES-PARKING FACILITIES: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chamber, with regard to consideration by the City of Roanoke of awarding a Lease and/or Agreement between the City of Roanoke and Warehouse Row, L.P., to provide that Warehouse Row will lease, renovate and equip City-owned buildings located at 117 and 119 Norfolk Avenue, S. W., for a lease term up to 40 years, upon certain terms and conditions; and to consider the possible lease of all or part of City-owned property located at 117-123 Salem Avenue, S. W., Official Tax Nos. 1010409 - 1010411, inclusive, to Warehouse Row for use as parking spaces, in connection with the abovementioned lease of buildings, the initial term of lease of such property for parking spaces will be for a period of up to five years, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Monday, August 12, 2002.

The City Manager submitted a communication advising that the City of Roanoke currently owns two buildings, identified as 117 and 119 Norfolk Avenue, S. W., along the Warehouse Row area of downtown Roanoke; and a public hearing was held on July 1, 2002, and July 15, 2002, and continued generally, and a public hearing was advertised for August 19, 2002, concerning the possible acceptance and award of a bid submitted by Warehouse Row, L.P. for lease, renovation, and equipping of 117 and 119 Norfolk Avenue so that such buildings may be used for sub-leases by tenants, which may create tax revenues for the City and enhance economic development of the area.

It was further advised that Warehouse Row, L.P. was the only entity to submit a bid to the City of Roanoke on July 1, 2002, to lease, renovate and equip such City buildings; the matter was referred to the City Manager and after further negotiations, the City Manager and Warehouse Row, L.P., reached agreement on the terms of a Lease Agreement and a Recapture of Investment Agreement.

It was explained that term of the lease shall be for 40 years, whereby Warehouse Row, L.P. shall pay to the City the sum of one dollar per year; in addition to the lease of the buildings, the City of Roanoke shall provide parking spaces to be determined by the parties, located on all or part of City owned property located at 117-123 Salem Avenue S. W., Official Tax Nos. 1010409, 1010410, and 1010411, to Warehouse Row, L.P. for use as parking spaces, in connection with the lease of the buildings, for an initial term of five years; Warehouse Row L.P. shall expend approximately \$1,700,000.00 in making permanent improvements and in equipping the buildings; and Warehouse Row, L.P. will operate and manage the property, at its sole cost and expense, as high quality commercial space suitable for use by technology companies.

It was noted that in order to help finance the above lease, Warehouse Row, L.P. needs to have a Recapture of Investment Agreement among the City, Warehouse Row, L.P., Warehouse Row, L.L.C., Warehouse Row Lending, L.L.C., Carilion Health System, and the Roanoke Valley Development Corporation; after five years from when the property has been placed in service, any member of Warehouse Row L.L.C., defined as Carilion Health System and/or The Roanoke Valley Development Corporation, may elect to sell its membership interest in the property; upon request for sale of the membership interest, the City, or its designee, shall first have the right to purchase such interest, which is defined as the initial and subsequent capital investments, plus the amount of net operating revenue, if any,

not equal to an average of a six per cent return on the original capital investment; if the City does not execute its right to purchase such membership interest, Warehouse Row L.L.C. shall have the exclusive right to sell the property to another purchaser; and sales proceeds will be distributed as follows:

- a. First, to repay Warehouse Row L.L.C. interest/investment.
- b. In the event of any excess over the LLC investment, such excess will be applied to the City's original purchase price of the property (\$636,000.00).
- c. In the event the final purchase price, plus the LLC investment noted in (b) immediately above also exceeds the \$636,000.00 original purchase price of the City, any excess over that amount will be distributed 1/3 to the City, 1/3 to Carilion and 1/3 to The Roanoke Valley Development Corporation.

The City Manager recommended, following the public hearing, that Council accept the bid of Warehouse Row, L.P., authorize the City Manager to execute both a Lease Agreement between the City of Roanoke and Warehouse Row, L.P. and a Recapture of Investment Agreement among the City of Roanoke, Warehouse Row, L.P., Warehouse Row L.L.C., Warehouse Row Lending, L.L.C., Carilion Health System, and the Roanoke Valley Development Corporation, to be approved as to form by the City Attorney; and further authorize the City Manager to take such additional actions, or execute such additional documents as may be necessary to implement and administer said agreements.

Mr. Dowe offered the following ordinance:

(#36046-081902) AN ORDINANCE accepting the bid of Warehouse Row, L.P., to lease, renovate and equip certain City owned buildings located at 117 and 119 Norfolk Avenue, S. W., (Buildings) for a term of 40 years, upon certain terms and conditions, and authorizing the City Manager to execute such a Lease Agreement, which will also provide for the lease of or otherwise providing for parking spaces on property owned by the City and located at 117 – 123 Salem Avenue, S. W.; authorizing the City Manager to execute a further agreement among the City, Warehouse Row, L. P. (WR), Warehouse Row, L.L.C., as General Partner (GP), Warehouse Row Lending, L.L.C. (WRL), Carilion Health System (Carilion), and Roanoke Valley Development Corporation (RVDC) and/or other parties as may be

necessary, that will provide for a recapture of the investment to be made by some or all of such parties in connection with the lease, renovation and equipping of the Buildings, and which agreement will include a provision for the possible future sale of the Buildings; authorizing the City Manager to take such further action and to execute such further documents as may be necessary to implement and administer such lease and/or agreements; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 364.)

Mr. Dowe moved the adoption of Ordinance No. 36046-081902. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no further discussion; Ordinance No. 36046-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

SEWERS AND STORM DRAINS-CITY PROPERTY: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the City of Roanoke to vacate a portion of a sanitary sewer easement located on Gum Spring Street, S. E., which is encroaching on property identified as Official Tax No. 4200901, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Tuesday, August 6, 2002 - Monday, August 12, 2002.

The City Manager submitted a communication advising that the property owner at 3138 Gum Spring Street, S. E., Nellie M. Brown, has requested that the City of Roanoke vacate a portion of a sanitary sewer easement that runs under a corner

of the house and patio; encroachment of the residence was discovered when a survey plat was prepared prior to purchase of the property; and Ms. Brown has relocated a portion of the sewer line to remove the encroachment and is willing to dedicate to the City an easement for the new alignment.

The City Manager recommended, following the public hearing, that she be authorized to execute the appropriate documents to accept the new easement, subject to a satisfactory environmental site inspection, and vacate the existing easement; the new easement shall be dedicated as a sanitary sewer easement; and the property owner will be responsible for preparation of all necessary documents.

Mr. Dowe offered the following ordinance:

(#36047-081902) AN ORDINANCE authorizing the vacation of an easement on property identified as Official Tax Map No. 4200901 located on Gum Spring Street, S. E., upon certain terms and conditions.

(For full text of Ordinance, see Ordinance Book No. 65, page 367.)

Mr. Dowe moved the adoption of Ordinance No. 36047-081902. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no further discussion; Ordinance No. 36047-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

CITY PROPERTY-TELEPHONE EQUIPMENT-WATER RESOURCES: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to lease a portion of the City owned

Washington Heights Water Tank site, located in the 4100 block of Wyoming Avenue, to Cellco Partnership, a Delaware general partnership, d/b/a Verizon Wireless, for the purpose of installing antennas and related equipment thereon, to provide radio and wireless telecommunications services, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, August 11, 2002.

The City Manager submitted a communication advising that Council approved and adopted the City of Roanoke Policy as to Wireless Telecommunications Facilities located on City property dated January 21, 1997, in accordance with a recommendation of the Water Resources Committee dated February 3, 1997; the City currently provides leased space on four water tanks to Virginia PCS Alliance, L.C. and Triton PCS Property Company, L.L.C.; lease agreement renewals with the companies for use of City water tank facilities was approved on July 15, 2002; and total annual revenue for all leases is:

\$ 39,000.00/year for remainder of 2002

\$127,200.00/year from January 1, 2003 through December 31, 2003.

\$148,800.00/year from January 1, 2004 through December 31, 2004.

\$160,800.00/year from January 1, 2005 through July 31, 2007.

It was further advised that Cellco Partnership, a Delaware general partnership, d/b/a/ Verizon Wireless, with its principal office at 180 Washington Valley Road, Bedminster, New Jersey 07921, has requested to lease a portion of the Washington Heights Water Tank and ground site, which is located in the 4100 block of Wyoming Avenue, Official Tax No. 2770406; to install directional antennas, connecting cables and appurtenances; to lease the property, a new lease agreement is required, as well as a public hearing; terms and conditions of the lease are in accordance with the City of Roanoke Policy as to Wireless Telecommunication Facilities located on City Property dated January 21, 1997, and substantially similar to existing lease agreements with other entities using the City's water tanks; term of the lease will be four years and 11 months, commencing on September 1, 2002 and expiring on July 31, 2007; the lease may be renewed for up to two five year terms, upon mutual agreement by the parties; the lease requires that the lessee post security to guarantee removal of the electronic facilities at the end of the lease – either in cash or a bond in the amount of \$7,500.00 will be required; and rent for such lease is per month, per provider, for leased space on one water tank and:

\$1,000.00/month from September 1, 2002 through December 31, 2002.
\$1,325.00/month from January 1, 2003 through December 31, 2003.
\$1,550.00/month from January 1, 2004 through December 31, 2004.
\$1,675.00/month from January 1, 2005 through July 31, 2007.

The City Manager recommended that Council approve a new lease agreement between the City of Roanoke and Cellco Partnership, a Delaware general partnership, d/b/a/ Verizon Wireless, and authorize the City Manager to execute such agreement, in a form approved by the City Attorney; and further, authorize the City Manager to take such additional actions and execute such additional documents as may be necessary to implement and administer the lease agreement.

Mr. Dowe offered the following ordinance:

(#36048-081902) AN ORDINANCE authorizing the proper City officials to enter into a Lease Agreement between the City and Cellco Partnership, a Delaware general partnership, d/b/a Verizon Wireless, for use of a portion of a City owned water tank and the site on which it sits, which is located in the 4100 block of Wyoming Avenue, Tax Map No. 2770406, known as the Washington Heights Water Tank, and which will provide that Cellco Partnership will use such area for the placement, operation, and maintenance of personal communication system antennas and related equipment, upon certain terms and conditions; authorizing the City Manager to take such further action and execute such additional documents as may be necessary to implement and administer such Lease Agreement; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 368.)

Mr. Dowe moved the adoption of Ordinance No. 36048-081902. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing; whereupon, Mr. Greg Tully, 2715 10th Street, N. W., spoke in support of the lease proposal. No other persons wishing to be heard, the Mayor declared the public hearing closed.

There being no further discussion; Ordinance No. 36048-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

EASEMENTS-WATER RESOURCES: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the City of Roanoke to vacate an existing water line easement located on privately owned property, in exchange for a relocated easement to be dedicated to the City of Roanoke; and thereafter, the City of Roanoke proposes to quitclaim a portion of the new easement to the Virginia Department of Transportation, in connection with development of Kingston Estates, a new subdivision located in Roanoke County, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, August 11, 2002.

The Mayor advised that the City Manager has requested that the public hearing be continued indefinitely; whereupon, without objection by Council, it was so ordered.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

POLICE DEPARTMENT-COMPLAINTS-CITY EMPLOYEES-HOSPITALS-YOUTH: Mr. Robert D. Gravely, 617 Hanover Avenue, N. W., advised that Carilion Health system has a monopoly in the City of Roanoke. He addressed the matters of low wages for City employees, fair and equal treatment of City employees on a daily basis and in promotions, the City of Roanoke does not have a large enough work force to maintain the City's cleanliness, young people are moving out of the City because of the way they are treated, and more police officers are needed to address crime.

There being no further business, the Mayor declared the meeting adjourned at 8:55 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

October 3, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable Rupert M. Cutler, Council Member
Honorable Alfred T. Dowe, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Deed of Release and Dedication
and Deed of Quitclaim

The City of Roanoke Water Division was contacted by a developer, John Griffin, regarding a new subdivision named Kingston Estates he is constructing in Roanoke County. The main water distribution line from the Falling Creek Filtration Plant runs through the property he is developing. The water line has existed in this location for about 100 years. The water line runs at a diagonal through the property, as shown on the attached Plat of Survey, which impacts his planned housing layout – two houses would be less than ten feet from this line. The line is under very high pressure and could cause considerable damage to property left in its current location. Additionally, leaving the water line in its current location would make routine or emergency maintenance very difficult.

The City requested the contractor to locate the water line in a new easement outside the lots in a dedicated water line easement; the new line and the new easement will be in place before the existing easement is vacated. The water

line relocation has been completed and is acceptable to the City of Roanoke Utility Department. The contractor has requested the City to quitclaim its easement through the roadways which VDOT requires in order to accept the road system for maintenance.

The City Attorney and the Attorney for the Developer have agreed on a Deed of Release and Dedication for the water line and a Deed of Quitclaim that is acceptable to the City.

Recommended Action:

City Council approve after a public hearing the execution of the Deed of Release, vacating the existing water line easement, the Deed of Dedication establishing a new water line easement and a Deed of Quitclaim for VDOT for the easement through the roadway right-of-way.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Darlene L. Burcham', written in a cursive style.

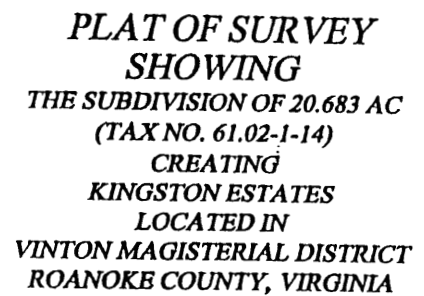
Darlene L. Burcham
City Manager

DLB:je

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Jr., Assistant City Manager for Operations
Mike McEvoy, Director of Utilities
Jesse H. Perdue, Jr., Water Division Manager

CM02-00216



SHEET 2 OF 2
COMM. 2238 SURVEYED: 3-2-01



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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October 3, 2002

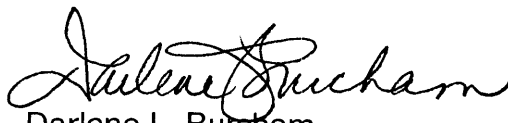
Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Southeast Pilot Project

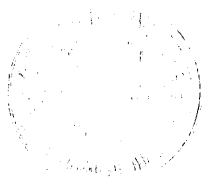
This is to request space on Council's regular agenda for a 15-minute briefing on the above referenced subject.

Respectfully submitted,


Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

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October 3, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice-Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Revised Percent for Art
Program Guidelines

Background:

At its regular meeting on September 3, 2002, City Council received a staff recommendation regarding potential changes to current guidelines for the Percent for Art Program. At the same time, Mr. Mark McConnel, Chairman of the Roanoke Percent for Art Committee, presented suggested changes to the guidelines prepared by staff.

After discussing the issue, City Council referred the proposed guidelines to the City Manager for a second review to attempt to reach consensus with the Percent for Art Committee regarding the Program's guidelines.

Subsequently, City Council met with the School Board on September 16, 2002 to discuss the involvement of the Schools in the Percent for Art Program.

Considerations:

The guidelines have now been revised to incorporate changes suggested by Mr. McConnel and members of City Council. The guidelines have also been revised to reflect participation by Roanoke City Schools in the Program.

The cost to begin implementation of the program is \$192,701 based on 1% of the construction cost for eligible capital projects, including School projects, in the Capital Improvement Program.

Recommended Action:

City Council adopt the attached Resolution approving the revised guidelines for the Percent for Art Program.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" and last name "Burcham" clearly distinguishable.

Darlene L. Burcham
City Manager

DLB:blk

Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance

#CMO2-00214

**City of Roanoke
Percent-for-Art Program Guidelines
October 3, 2002**

Mission

The mission of the Percent-for-Art Program (the "Program") is to provide a consistent method for funding works of public art to:

- Enhance the quality of life for Roanoke's citizens;
- Create a heightened sense of place and community identity;
- Enliven the visual quality of public space; and
- Stimulate Roanoke's vitality and economy.

Such public art shall be physically accessible to the public and be created with the involvement of the community.

Program Guidelines

1. City staff will develop an annual budget for the Program by identifying an amount equivalent to one percent of the construction cost for each new project in the CIP, subject to exclusions and limits noted herein. The amount identified will be used as a basis for implementation of the comprehensive plan (the "Plan") for enhancing public art. No more than \$100,000 per eligible project may be allocated through the one percent calculation.
2. Projects eligible for inclusion in the Program include new construction or major renovation of public buildings (including schools), decorative or commemorative structures, parks and recreation facilities, and parking facilities. Generally, the Program is not intended to apply to street and sidewalk construction or utility installations.
3. The Roanoke Arts Commission (the "Commission") will develop a comprehensive plan for enhancing public art, which will be implemented as funding is made available through the Program by City Council. The Plan is not restricted to providing public art for the capital improvement projects upon which the Program budget is based, but it can include public art to enhance the aesthetic quality of a specific capital improvement project.
4. Public art such as sculpture and paintings are eligible for inclusion in this Plan. Other aesthetic enhancements such as fountains, landscaping, textured walls, mosaics, tiled columns, patterned pavement, grillwork, and other ornamentation are equally appropriate design considerations.

5. The Plan, and updates thereto, will be presented to City Council by the City Manager and the Commission by December 31st each fiscal year for review and approval, as well as appropriation of necessary funding.
6. Acquisition of any public art will occur as part of the City's normal procurement process from funds appropriated by City Council. The Commission, maintaining its advisory role to Council, will facilitate selection and placement of art in the city. However, City Council will have final approval authority for the procurement and design of any public art, with the exception that the School Board will have the opportunity to participate in the selection of art for public schools and will oversee placement of the art in public school buildings.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION endorsing a Percent-for-Art Program, and repealing Resolution No. 33077-081996, adopted on August 19, 1996, which adopted certain guidelines for the Percent-for-Art Program; and adopting new guidelines for the Program.

WHEREAS, the inclusion of works of art and artistry in the City will enhance the aesthetic quality of public spaces and stimulate the vitality and economy of the City; and

WHEREAS, by Resolution No. 33077-081996, adopted August 19, 1996, City Council endorsed the Program and adopted certain guidelines for the Program, and at this time new guidelines need to be adopted and the abovementioned Resolution should be repealed;

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. Resolution No. 33077-081996, adopted August 19, 1996, is hereby REPEALED.
2. City Council hereby approves and adopts the guidelines for a Percent-for-Art Program, dated October 3, 2002, and attached to the City Manager's report of October 3, 2002, in accordance with the recommendation contained in the report.
3. The City Manager is hereby authorized to promulgate regulations, not inconsistent with such guidelines, for the implementation of the Percent-for-Art Program.
4. Any procurement of art or artistry in connection with the Percent-for-Art Program shall be pursuant to the Virginia Public Procurement Act and Chapter 23.1, Procurement, Code of the City of Roanoke (1979), as amended.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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October 3, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Virginia First Cities
Coalition – Joint
Powers Association
Agreement

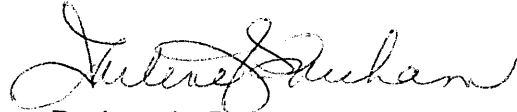
Background:

Virginia First Cities is a coalition of 14 of the most fiscally stressed older cities in Virginia advocating state government policy changes that will help create a high quality of life in urban areas. As you are aware, Roanoke is currently a member city. The Virginia First Cities Coalition is determined to develop a more formal relationship among its member cities. A consultant was asked to prepare organizational documents for Virginia First Cities. It has been concluded that the structure which best suits this purpose is a Joint Powers Association, allowable by the Code of Virginia §15.2-1300 et seq. In order for Roanoke to enter into a more formal relationship among the member cities, an ordinance needs to be approved by City Council. Attached for your consideration is the proposed Joint Powers Association Agreement and Bylaws.

Recommended Action:

Adopt the attached ordinance authorizing the City of Roanoke to enter into a Joint Powers Association Agreement, as allowed by the Code of Virginia §15.2-1300 et seq.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget

CM02-00218

VIRGINIA FIRST CITIES COALITION
JOINT POWERS ASSOCIATION AGREEMENT

DRAFT

Dated as of September 1, 2002

THIS AGREEMENT (“Agreement”) is made and entered into by and among the local governments of the Commonwealth of Virginia which are signatories hereto (each a “Member” and, collectively, the “Members”), effective as of September 1, 2002, for certain signatories or such later effective date for other signatories as set forth on such signatories’ execution page.,

W I T N E S S E T H :

WHEREAS, each Member is authorized by law to advocate a legislative and public information agenda (“First Cities Priorities”) and take such other ~~legal~~ actions as necessary or appropriate for the benefit of its respective members; and

WHEREAS, political subdivisions of the Commonwealth of Virginia are authorized under the Code of Virginia 1950, as amended (the “Code”) to exercise jointly powers that they otherwise are authorized to exercise independently, and such authorization is currently set forth in sections 15.2-1300, et seq. of the Code, which provide that any power, privilege or authority exercised or capable of being exercised by a political subdivision of the Commonwealth of Virginia may be exercised and enjoyed jointly with any other political subdivision of the Commonwealth having a similar power, privilege or authority except where express statutory procedure is otherwise provided for the joint enterprise; and

WHEREAS, Code sections 15.2-1300, et seq. authorize two or more political subdivisions to enter into agreements with one another for such joint action and to appropriate funds and sell, lease, give or otherwise supply such property, personnel or services therefor as may be within their legal power to furnish; and

WHEREAS, the Members, pursuant to the authority granted in Code sections 15.2-1300, et seq. or such similar authority as may from time to time be authorized under the Code, desire to create a joint powers association and associate as members hereunder with the assistance of the Consultant and Counsel (identified below) for the purposes, among other things, of promoting the interest and welfare of the Members, and developing a closer relation among them, all as hereinafter more particularly set forth; and

NOW, THEREFORE, in consideration of the premises and the undertakings hereinafter stated, the Members agree as follows:

1. **Name.** The undertaking of the Members hereunder shall be named and designated as the Virginia First Cities Coalition (hereinafter “Virginia First Cities”).
2. **Term of the Agreement.** This Agreement shall be effective for the period commencing on the date set forth above (with each Member to adopt the Agreement on or after such commencement date) and shall terminate upon the earlier of (a) a two-thirds vote of all the remaining Members or (b) when the membership has decreased to five (5) Members. Upon such termination, any property owned by Virginia First Cities (or the proceeds from the sale of such property) shall be distributed to each remaining Member in accordance with Virginia First Cities’ bylaws, as such bylaws may be amended from time to time by the Members of Virginia First Cities (the “Bylaws”).
3. **Purpose of the Agreement.** The Members enter into this Agreement for the purpose of acting jointly to promote their interests and welfare and to promote the interest and welfare of, and develop close relationships with, similar public bodies. This promotion and development shall consist of an agenda to advocate state incentives for city redevelopment and reinvestment, to rebalance state service responsibilities and funding resources to cities and to

develop an urban policy for Virginia and take such other legal actions as are appropriate for the protection and benefit of the citizens of the Members. Virginia First Cities shall be the Members' non-exclusive agent regarding the advocacy of a legislative agenda, which shall ~~be done in the manner~~ **comply in all respects with laws governing municipalities and** specified in the Bylaws. Each Member agrees, subject, however, to annual appropriation to pay its pro rata share of the budget or the membership fees as hereinafter set forth. Each Member shall designate an elected official (the "Designated Elected Official Representative") who shall cast the vote for the Member except in the election of certain officers and members of the Executive Committee as provided by the Bylaws and an administrator (the "Designated Administration Representative") (collectively, "**Members' Designated Representative**"). **In the absence of the Designated Elected Official or Alternate, the Designated Administration Official shall cast the vote for the Member and be recognized for purpose of establishing a quorum.**

4. **Governance.**

(a) **The Executive Committee.** Virginia First Cities shall be governed by an Executive Committee (the "Executive Committee") that shall initially consist of seven who are the officers and individuals listed on Schedule A of this Agreement and thereafter members of the Executive Committee shall be elected by the Members in accordance with the Bylaws. The size of the Executive Committee may be increased or decreased in accordance with the Bylaws. The Executive Committee shall have such powers as granted by the Members, from time to time, relating to Virginia First Cities' policies and operations.

(b) **Meetings of the Executive Committee.** The Executive Committee shall meet at such times and places as shall be designated in the Bylaws. Notice of meetings with the proposed agenda and minutes shall be provided to the Members.

(c) Officers of the Executive Committee. Rudolph C. McCollum, Jr. is hereby designated as the initial Chair of the Executive Committee, Rhet Tignor is hereby designated as its initial Vice-Chair, Calvin D. Jamison is hereby designated as its initial Secretary and Darlene Burcham is hereby designated as its initial Treasurer. These officers and any other officers elected in accordance with the Bylaws shall serve until the earlier of the submission of such officer's resignation or such officer's removal and the election of a successor. The Chair shall preside at all meetings of the Executive Committee and the Members, except that in the absence of the Chair, the Vice-Chair or another member of the Executive Committee shall preside. Vacancies in such offices may be filled as presented in the Bylaws at any meeting of the Members.

(d) Quorum for the Executive Committee. A majority of Executive Committee shall constitute a quorum for any Executive Committee meeting. The size of a quorum may be increased or decreased in accordance with the Bylaws.

(e) Actions by the Executive Committee. All matters for action by the Executive Committee may be adopted upon the affirmative vote at a meeting where a quorum is present, or otherwise as may be specified in this Agreement or in the Bylaws.

(f) Consultant and Counsel. Linda McMinimy LLC is hereby initially designated as Consultant to Virginia First Cities and Christian & Barton, LLP is hereby initially designated as Counsel to Virginia First Cities.

5. **Members.**

(a) The Members shall meet no less than semi-annually, on such date and at such time and place as designated by the Executive Committee upon notice as provided in the Bylaws.

(b) The approval of new members, termination and voting rights of members are specified in the Bylaws.

(c) A Member may withdraw from Virginia First Cities effective July 1 of any calendar year if written notice has been given to Virginia First Cities by March 1 of that calendar year; provided, however, that a withdrawing Member shall continue its pro rata responsibilities under such contract until such contract has expired or has been terminated in accordance with the terms of such contract. Any other methods of withdrawing from Virginia First Cities shall be set forth in the Bylaws.

(d) A simple majority of the Members ~~Designated Representatives~~ shall constitute a quorum for any meeting of the Members. The size of a quorum may be increased or decreased in accordance with Bylaws.

6. **Budget of the Association.**

(a) The Executive Committee shall prepare a budget for adoption by the Members of Virginia First Cities, with funding by the Members based upon a **base amount and a pro rata share.** ~~or, if applicable and approved by the Executive Committee, a minimum membership fee. Such~~ Such **base amount and** pro rata shares ~~and minimum fees~~ shall be assessed on an annual basis except that, under extraordinary and unanticipated circumstances, the Executive Committee may assess a **base amount and** pro rata share ~~and minimum fee~~ more than once a year.

(b) Virginia First Cities shall not create or incur any liability for the Members, jointly or severally, other than and subject to annual appropriation or the pro rata share of the budget or the membership fees imposed for a Member's participation in Virginia First Cities.

(c) **Virginia First Cities shall provide audited statements of its financial affairs to its Members within 120 days of the end of each fiscal year.**

7. **Bylaws.** The initial Bylaws are set forth in Schedule B to this Agreement. The Bylaws may be amended upon the affirmative vote of two-thirds of the Members.

8. **Execution of Multiple Originals.** This Agreement may be executed by the Members in multiple original counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument.

WITNESS the following signatures, effective as of the date set forth underneath each signature.

MEMBER:

By: _____

Title: _____

Effective Date: _____

[To be completed for all Members]

~~603407.2~~

603407.3

SCHEDULE A

LIST OF INITIAL EXECUTIVE COMMITTEE MEMBERS

SCHEDULE B
INITIAL BYLAWS

See attached.

DRAFT

**Bylaws
of
Virginia First Cities Coalition**

September 1, 2002

1. Purpose

The members (the “Members”) of Virginia First Cities Coalition (“Virginia First Cities”) are independent cities of the Commonwealth of Virginia that have formed a joint powers association pursuant to the Virginia First Cities Joint Powers Association Agreement, dated September 1, 2002 (the “JPA Agreement”). The Members have formed Virginia First Cities to further their economic, political and legal interests in the joint lobbying of the Virginia General Assembly and the education of the legislature and general public regarding issues that affect the independent cities of Virginia.

2. Membership Fees

Each Member shall, subject to annual appropriations, submit to Virginia First Cities payment of its base amount and pro rata share of Virginia First Cities’ budget based upon such equitable method of funding as may be determined, from time to time, by the Executive Committee and approved by the Members.

Virginia First Cities shall assess Members for fees by May 31st of each year, and such fees shall be due and payable by August 1st of each year.

3. Budget and Fiscal Year

The Members shall adopt by May 31st of each year an annual budget for the upcoming fiscal year, including anticipated receipts and expenditures in such detail as the Executive Committee may deem appropriate. The fiscal year of Virginia First Cities shall be from the first day of July in each year until the thirtieth day of the following June, both inclusive.

4. Members

(a) Approval of New Members

The Executive Committee shall receive and consider applications for membership from prospective new members of Virginia First Cities and make recommendations regarding admission as Member. An Application for Membership shall be approved by a majority vote of the Members at a meeting at which a quorum is present and shall be complete upon the execution of documents and payment of fees as are applicable.

(b) Termination of Membership

After 30 days written notice to the Member, the Executive Committee may terminate the membership of any Member who fails to pay its membership fees, comply with these Bylaws, the JPA Agreement, or other rules and regulations for Members, as established from time to time by the Executive Committee.

(c) Withdrawal of Members

In accordance with the JPA Agreement, a Member may withdraw from Virginia First Cities effective on July 1 of any calendar year if written notice has been given to Virginia First Cities by March 1 of that calendar year provided, however, that any withdrawing Member shall remain obligated under any **existing** contract awarded by Virginia First Cities until such contract has expired or has been terminated in accordance with the terms of such contract.

(d) Meetings of Members

The Members shall meet no less than semi-annually, on such date and at such time and place as shall be designated by the Executive Committee. Special meetings of Members may be held at such time and place as shall be designated in the notice thereof upon call of the Executive Committee or not less than 30% of the Members.

(e) Notice of Meetings

Notice of meetings or any special meeting shall be posted in the office of the Chair and shall be given at least 10 days in advance by any means reasonably calculated to convey such notice to each Member identified on the Member list maintained by the Secretary (the "Member List"), including distribution of such notice via first class mail, facsimile, e-mail, or as otherwise may be required by law. For each Member, the Member List shall set forth name and contact information for the principal Designated Elected Official Representative (the "Designated Elected Official Representative") and Designated Administration Representative (the "Designated Administration Representative") of each Member and may also contain such information for individuals who may serve as the alternate designated representatives in the absence of the principal designated representatives (the "Alternate Elected Official Representative" or the "Alternate Administration Representative"). Whenever a Member designates an alternate representative to represent the Member at a meeting and such alternate is not set forth in the Member List, the Member shall be responsible for ensuring that the Chair or the Secretary (or their designees) are informed of this designation.

(f) Voting by Members

Each Member shall have one vote, which shall be cast by such Member's Designated Elected Official Representative or Alternate Elected Official Representative. Such Designated Representatives or Alternate shall register with the Secretary or the Secretary's designee prior to any Members' meeting. In the absence of a Designated Elected Official Representative or Alternate Elected Official Representative, the Members' Designated Administration Representative or Alternate shall cast the vote on behalf of the Member.

(g) Conduct of Meeting

The Chair of the Executive Committee shall preside over all meetings of the Members, except that in the Chair's absence, the Vice-Chair or another member of the Executive Committee shall preside. The Secretary of the Executive Committee or the Secretary's designee shall act as secretary for all meetings of the Members.

At each meeting, the Treasurer or designee shall report on the financial condition of Virginia First Cities.

(h) Quorum

A simple majority of the Members shall constitute a quorum and when a quorum is present at any meeting, a majority may decide any question brought before such meeting except as otherwise provided by law or these Bylaws.

5. Executive Committee

(a) Powers

Virginia First Cities shall be governed by an Executive Committee which may exercise all the powers of Virginia First Cities as granted by the Members, from time to time, except as otherwise provided by law or by these Bylaws. The Executive Committee may retain the services of such consultants, legal counsel, administrators, and others as the Executive Committee deems necessary or advisable in exercising such powers.

(b) Composition and Election of Executive Committee Members

The initial Executive Committee shall be composed of the officers and three individuals listed in Schedule A to the JPA Agreement, who shall serve an initial term of one year. Thereafter, the Executive Committee shall be elected in accordance with these Bylaws at annual meetings of the Members for a term of one year, or until such

Executive Committee member's successor is elected and qualified. In addition to the designated officers, the Elected Official Representatives shall elect two from its number to the Executive Committee. In addition to the designated officers, the Administration Representatives shall elect one from its number to the Executive Committee.

Not less than 30 days prior to each annual meeting, the Executive Committee shall solicit the names of candidates from the Designated Elected Official Representative and the Designated Administration Representative to be elected at the annual meeting by vote of the respective designated representative groups.

(c) Resignation or Termination of a Executive Committee Member

An Executive Committee member may resign from all duties and responsibilities at any time by written notice delivered to the Chair or Secretary. Such notice shall state the date said resignation shall take effect and such resignation shall automatically take effect on such date unless a successor Executive Committee member shall have been selected at an earlier date in which event such resignation shall take effect immediately upon the selection of the successor Executive Committee member.

The term of an Executive Committee member shall be void if such representative no longer represents or is employed by a Member.

Executive Committee members, upon resignation or termination for any reason, shall forthwith deliver to the Chair or the Chair's designee any and all records, books, documents or other property in the possession or under the control of such Executive Committee member, which belongs to Virginia First Cities.

(d) Vacancies

Any vacancy occurring on the Executive Committee shall be filled by the affirmative vote of a majority of the representative group empowered to elect the seat by the Bylaws.

(e) Meetings

Regular meetings of the Executive Committee shall be held no less than once a **quarter** at such location as designated by the Executive Committee. The Executive Committee may provide, by resolution, the time and place for holding regular meetings.

Special meetings of the Executive Committee shall be held on the call of the Chair, Vice-Chair, or any three Executive Committee members. The Chair shall set the

date, time and location of each meeting so that the meeting will take place within 30 days of receipt of such call.

The Secretary or the Secretary's designee shall act as secretary for all meetings of the Executive Committee and shall provide notice and the proposed agenda to each Member.

(f) Quorum

At any meeting, a majority of the Executive Committee members shall constitute a quorum.

(g) Action at Meeting

At any Executive Committee meeting at which a quorum is present, the vote of a majority of the Executive Committee members present shall be sufficient to decide any matter, unless a different vote is specified by law or by these Bylaws.

(h) Committees

The Executive Committee may create one or more committees and fix the number to serve on them. Committees may have such powers and duties as may be designated by the Executive Committee; but may not authorize or approve distribution of any of the funds of Virginia First Cities, except according to formula or method previously authorized by the Executive Committee or vote of the Members.

(i) Liability of Members

In accordance with the JPA Agreement, the Executive Committee shall not create or incur any liability for the Members, jointly or severally, other than in the following instances, which shall be subject to annual appropriation: (i) the costs incurred for the operations of Virginia First Cities or (ii) the pro rata share of the budget or the membership fees imposed for a Member's participation in Virginia First Cities. No Member shall be liable or responsible for any contracts made by any other Member.

(j) Liability of Executive Committee and Officers

Virginia First Cities may provide officers and directors insurance for its Executive Committee and officers, and may also indemnify such officers and Executive Committee members for any deductibles associated with such insurance coverage.

6. Officers

(a) Number, Election, and Term

At the annual meeting, the Elected Official Representatives shall elect the Chair and Vice-Chair, and the Administration Representatives shall elect the Secretary and Treasurer.

Each officer shall be a member of the Executive Committee and hold office for one year and until such officer's successor is duly elected and qualified, or until such officer's death, resignation, or removal. Each officer shall perform the duties set forth in these bylaws and such other duties as from time to time may be approved by the Members.

(b) Removal

Any officer may be removed, with or without cause, by the majority vote of the Members.

(c) Vacancies

A vacancy in any office because of death, resignation, removal, disqualification or otherwise shall be filled by the appropriate representatives group for the unexpired portion of the term.

(d) Chair

The Chair shall have the powers, authority and duties incident to such office or may be conferred from time to time by the Executive Committee in accordance with law.

(e) Vice-Chair

The Vice Chair shall, in the absence of the Chair, perform the duties of the Chair and any other duties conferred by the Executive Committee.

(f) Secretary or Treasurer

The Secretary shall be responsible for insuring the recordation of the minutes and for preparing and maintaining custody of the minutes of all meetings of the Members, the Executive Committee, and when required, of all standing committees. The Secretary shall give notice of all Virginia First Cities meetings and shall be responsible for responding to Freedom of Information Act requests. The Secretary

shall be the custodian of the records and such other books, records, and papers as the Executive Committee may direct; authenticate the records of Virginia First Cities; and perform such other duties as may be incident to such office or as prescribed by the Executive Committee.

The Treasurer shall see that regular and full accounts are maintained and that proper financial reports are made to the Executive Committee and the Members. The Treasurer shall have such other powers and perform such other duties as are assigned to the Treasurer by these Bylaws or as may be conferred by the Executive Committee. The Executive Committee may require that the Treasurer give bond to Virginia First Cities, with sufficient sureties, conditioned on the faithful performance of the duties of the Treasurer.

7. Contracts, Loans, Checks, and Deposits

(a) Contracts

Either the Chair or the Vice Chair may execute contracts on behalf of and in the name of Virginia First Cities. The Executive Committee may authorize any other officer or officers, agent or agents to enter into any contract or execute any instrument in the name of and on behalf of Virginia First Cities, and such authority may be general or confined to specific instances.

(b) Loans

No loans shall be contracted on behalf of Virginia First Cities and no evidence of indebtedness shall be issued in its name unless authorized by the Members.

(c) Checks, Drafts, etc.

All checks, drafts, bills of exchange and other negotiable instruments (except promissory notes) of Virginia First Cities connected therewith shall be signed by the Chair, Vice-Chair, the Secretary or Treasurer, or by such other officer or agent of Virginia First Cities as may be authorized so to do by the Executive Committee.

(d) Deposits and Investments

All funds of Virginia First Cities not otherwise employed shall be deposited from time to time in such banks or other depositories as the Executive Committee may select or invested as allowed under state law. **Audited financial statements of Virginia First Cities shall be prepared and provided to Members within 120 days of the end of each fiscal year.**

10. Termination of Association

In accordance with the JPA Agreement, Virginia First Cities may be terminated at any time upon the concurrence of two-thirds vote of the Members or when the membership has decreased to five.

In the event of termination of Virginia First Cities, the remaining funds available to Virginia First Cities, after providing for all outstanding obligations, shall be distributed to Members at the time of such termination through a formula determined by the Executive Committee and approved by the Members.

11. Notices

Unless otherwise provided for in these Bylaws, any notices, approvals, requests, consents and other communications required by these Bylaws shall be deemed to have been given when delivered in person, by fax , by E-mail or by first class mail, addressed to the principal Designated Representative of a Member on the Member List maintained by the Secretary. In addition, the Executive Committee may utilize a website or similar method to inform Members of Virginia First Cities meetings, Executive Committee nominations, requests for proposals, contract awards, and other matters of interest to Members.

12. Amendments

These Bylaws may be amended at any time by the concurrence of two-thirds of the Members as long as (a) such amended Bylaws are lawful and consistent with the JPA Agreement and (b) Members shall have the right to withdraw from Virginia First Cities prior to the effective date of such amendment. The Executive Committee, at least 30 days prior to the adoption of amended Bylaws, shall make a copy of such proposed amended Bylaws available to Members.

603406.3

603406.4

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing execution of a Joint Powers Association Agreement, dated September 1, 2002, by and among the City and various local governments of the Commonwealth, for the purpose of formally establishing the Virginia First Cities Coalition, and approving the By-Laws of the Coalition, upon certain terms and conditions, and dispensing with the second reading of this ordinance.

WHEREAS, several of the independent cities of Virginia ("Member" or collectively the "Members") have determined, respectively, that the joint advocacy of a legislative and public information agenda benefits each city and that formation of Virginia First Cities Coalition ("Virginia First Cities") is in the public interest; and

WHEREAS, each Member is authorized by law to advocate a legislative and public information agenda ("Virginia First Cities Priorities") and take such other actions as necessary or appropriate for the benefit of its respective members; and

WHEREAS, political subdivisions of the Commonwealth of Virginia are authorized under the Code of Virginia 1950, as amended (the "Code") to exercise jointly powers that they otherwise are authorized to exercise independently, and such authorization is currently set forth in Sections 15.2-1300, et seq. of the Code, which provide that any power, privilege or authority exercised or capable of being exercised by a political subdivision of the Commonwealth of Virginia may be exercised and enjoyed jointly with any other political subdivision of the

Commonwealth having a similar power, privilege or authority except where express statutory procedure is otherwise provided for the joint enterprise; and

WHEREAS, Code sections 15.2-1300, et seq. authorize two or more political subdivisions to enter into agreements with one another for such joint action and to appropriate funds and sell, lease, give or otherwise supply such property, personnel or services therefor as may be within their legal power to furnish; and

WHEREAS, the Members, pursuant to the authority granted in Code sections 15.2-1300, et seq. or such similar authority as may from time to time be authorized under the Code, desire to create a joint powers association and associate as members hereunder with the assistance of the Consultant and Counsel for the purposes, among other things, of promoting the interest and welfare of the Members, and developing a closer relation among them; and

WHEREAS, it appearing to the Council of the City of Roanoke that the Virginia First Cities Priorities pursuant to the Joint Powers Agreement is otherwise in the best interests of the City of Roanoke.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

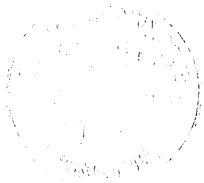
1. The formation of Virginia First Cities pursuant to the Joint Powers Agreement is hereby approved.
2. The Joint Powers Agreement and the performance of the terms and conditions thereof on behalf of the City of Roanoke are hereby authorized and approved.
3. The City Manager is hereby authorized and directed to execute and deliver the Joint Powers Agreement on behalf of the City of Roanoke in substantially the form attached to the City Manager's letter dated October 3, 2002.

4. The payment obligations of the City of Roanoke pursuant to the provisions hereof and the Joint Powers Agreement shall be subject to annual appropriation of requisite funds therefor by the Council of the City of Roanoke.

5. Pursuant to the provisions of §12 of the Roanoke City Charter, the second reading by title of this ordinance is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

October 3, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Funding for Restricted
Eligibility Worker

Background:

Roanoke Department of Social Services and the State Department entered into an agreement in 1994 to establish an Eligibility Worker position through the Department of Social Services to be placed at the Roanoke Health Department to assure that all citizens have an opportunity to apply for Medicaid. The Agreement remains in effect until modified by mutual consent or operation of law (see attachment).

There is no local cost for this position. Approximately 50% of the cost is reimbursed from federal Medicaid administrative funds and the Health Department reimburses the remaining cost.

Considerations:

Roanoke Health Department is satisfied with the results of having this position on location and wishes to continue the services.

Honorable Mayor and Members of Council
October 3, 2002
Page 2

Recommendations:

Authorize the City Manager to execute the attached contract among the City, the State Health Department, and the Virginia Department of Social Services, such agreement to be approved as to form by the City Attorney, and to continue the services of the outstationed Eligibility Worker at the Health Department in accordance with the original agreement, and appropriate \$34,678 for FY02/03 to revenue and expenditure accounts to be established by the Director of Finance. The expenditures to be funded are as follows:

- | | |
|-------------------|----------|
| • Salary | \$27,203 |
| • City Retirement | 1,700 |
| • ICMA Match | 650 |
| • FICA | 2,081 |
| • Health Ins. | 2,748 |
| • Dental Ins. | 202 |
| • Disability Ins. | 94 |

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:rji

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Glenn D. Radcliffe, Director of Human Services
Molly O'Dell, M.D., Director of Health Department
Rolanda A. Johnson, Assistant City Manager for Community Development

CM#02-00220

MEDICAID

ELIGIBILITY DETERMINATIONS

PLACEMENT OF ELIGIBILITY DETERMINATION STAFF
AT DESIGNATED HEALTH DEPARTMENTS

AGREEMENT

Between

The State Health Department

The Virginia Department of Social Services

Roanoke City Department of Social Services

ARTICLE I

PURPOSE

This Agreement is entered into as of the date specified below by and between Roanoke City Department of Social Services hereafter referred to as the Local DSS, The State Health Department hereafter referred to as Health Department, and the Virginia Department of Social Services, hereafter referred to as VDSS to locate a Medicaid worker, hereafter referred to as Health Department Eligibility Worker (HDEW), on-site at the Health Department.

The Local DSS and the Health Department agree to use the HDEW exclusively for the purpose outlined in this Agreement. The Local DSS is specifically prohibited from using the HDEW for any purpose other than completing cases originating through the Health Department.

ARTICLE II

FUNCTIONS TO BE PERFORMED BY HDEW

A. Application Acceptance and Processing

Medicaid Applications - Health Department patients referred to the HDEW shall have all the rights and privileges of any other applicant for assistance. Health Department personnel will refer for Medicaid eligibility determination all potentially eligible medically indigent patients.

1. Eligibility Criteria - Eligibility for Medicaid will be determined using all applicable rules, regulations, and policies governing the general population applying for Medicaid.
 - a. Each HDEW shall be supplied a copy of the Medicaid Manual by the Local DSS. It shall be the responsibility of each HDEW to keep the Medicaid Manual current with all revising transmittals.
 - b. All forms necessary to process Medicaid applications shall be ordered by the appropriate local DSS through the usual procedures and made available to the HDEW.
2. Case Development - The HDEW shall process all Medicaid applications taken at the Local Health Development for adults and children who are residents of the HDEW's locality. Completed cases shall be forwarded daily to the local DSS for immediate enrollment.
 - a. Applications for patients from other jurisdictions will be forwarded by the HDEW, unprocessed, to the city or county of residence.
 - b. Medicaid eligibility must be determined in conformity with processing standards contained at Part II, Chapter A, of the Medicaid Manual. Therefore, no local DSS processing procedures shall encumber or delay certifying and enrolling eligible cases.

B. Confidentiality of File Information

1. Confidentiality of client information contained in existing files (both paper and electronic) is to be protected, and access to Medicaid eligibility files shall be limited to the HDEWs and Local Departments of Social Services.
2. Information released to Health Department personnel shall be limited to information authorized for dissemination in accordance with the applicant Release of Information. It shall be released in a manner consistent with efficiency and non-duplication of effort among the Medicaid, WIC, and medical services programs.
3. Information maintained by or which can be secured by the local DSS shall be shared with the HDEW when necessary to determine eligibility for Medicaid under this Agreement. This includes diagnosis information and local public records.

C. Health Department Eligibility Workers - Organization

1. Caseload Standards - The HDEW shall be an employee of the local DSS but shall not count in the determinations of local staffing needs.
2. Staffing level will be one full time position. This staffing level will be re-evaluated by representatives of the parties to this Agreement after one year of operation using the following criteria to determine its applicability and the need to make adjustment.
 - a. Increased reimbursement by Medicaid due to increased Medicaid enrollment then compared to the one year period immediately prior to the effective date of the contract.
 - b. Increased numbers of medically indigent eligibles enrolled in Medicaid.
3. Training - The HDEWs shall be treated as other eligibility workers as regards provision of Medicaid program training and technical assistance. HDEW will be under the supervision on local Department of Social Services Supervisor who will be responsible for instruction, accountability, payroll information, and job performance.

4. Coverage - HDEW shall be available to take applications at the Local Health Department during Local Health Department's clinics and at other times available to take applications for Health Department Home Health, CHIP and MICC patients not attending scheduled clinics and at other times agreed to by the Local DSS and Health Department.
5. Performance Standards - Performance Standards applicable to other Medicaid workers shall be the performance standards applicable to the HDEW.
6. Job Classification - The HDEW shall be employed in the same personnel classification and be afforded the same benefits as any other local Medicaid worker in the Local DSS, except that their employment is restricted to the life of this project.
7. Relationships - The Health Department, the HDEW, and their employing agencies shall cooperate to the mutual benefit of both by sharing informational materials, conducting joint staff meetings, and providing each worker with periodic reports of work performed such as: referrals made, application approvals and costs of services paid, subject to the confidentiality requirements in Article II, B.
8. Liaison - Each of the parties to this Agreement shall designate a contact person for dissemination of information about job functions, operating procedures, and problem resolution.

D. Equipment

1. The Health Department will provide, at no cost to this project, necessary secure space and equipment for the eligibility worker, such as desk, chair, reasonable office supplies, and other furniture and equipment necessary for performance of the contract.
2. The Local DSS will provide support for purposes of tracking referred patients and compiling statistical reports in MAPPER.

ARTICLE III

COSTS

- A. This project, whereby local workers will be physically located at the Health Department will use funds appropriated to the State Health Department to fund the non-federally matched portion of the costs of maintaining the HDEW.
- B. Procedures:
1. The Local DSS shall submit monthly to the VDSS individual claims for 100 percent reimbursement of personnel costs for the HDEW.
 - a. Each claim for reimbursement shall be submitted on form DA-20-250, Accounting Voucher.
 - b. Each monthly claim shall be reimbursed by the VDSS at 100 percent of costs.
 2. The VDSS shall submit monthly to DMAS, separately identifiable from other federal claims for Medicaid administration reimbursement, all claims of administrative expenditures associated with operation of this Agreement.
 3. The Health Department agrees to reimburse the VDSS through an Interagency Transfer of funds for any costs for which federal reimbursement does not equal 100 percent of such State agency reimbursement made for the month. Funds used by the Health Department to reimburse VDSS must not come from federal sources. The Interagency Transfer Invoice will be forwarded by the tenth working day of the month following the covered period.

ARTICLE IV

MAINTENANCE OF RECORDS

1. Administrative Records - Records of administrative costs shall, be maintained separate from other local DSS and Health Department records for evaluation and determination of the ultimate effectiveness of the project.

2. Applications - Separate identification shall be maintained of all referrals made by Health Department personnel to the HDEW. Referrals will be tracked and the outcome recorded as either approved, denied, or failure/refusal to follow through.
3. Approved cases will be tracked and total expenditures under Medicaid to the Health Department and other providers will be periodically gathered into reports by Central Office staff.

ARTICLE V

TERM OF AGREEMENT


This Agreement shall begin after all parties have signed this Agreement and when personnel have been employed and/or reassigned to the Health Department site. An effectiveness evaluation shall be conducted by representatives of this Agreement after the site has been fully operational for twelve months. After completion of the twelve month effectiveness evaluation, any party to this Agreement may terminate its participation in this project with or without cause upon sixty days notice in writing to the other parties. In lieu of such action, this Agreement shall remain in effect until modified by mutual consent or operation of law. Interim evaluations, problem identification and resolution sessions will be held quarterly after the first six-month review, on an as needed basis throughout the life of this Agreement.

SIGNATURE SHEET

Agreement for placement of eligibility workers at the Roanoke City Health Department
between:

The State Health Department
The Virginia Department of Social Services
Roanoke City Department of Social Services


I hereby agree to the terms of this agreement:

 (Signed)
W. Robert Herbert, City Manager
Roanoke City


2.7.94 (Dated)

Molly Rutledge (Signed)
Molly L. Rutledge, M.D.
Acting Health Director

2-1-94 (Dated)

 (Signed)
Larry D. Jackson, Commissioner
State Department of Social Services

_____ (Dated)

 (Signed)
Robert B. Stroube, M.D., M.P.H.
State Health Commissioner
State Health Department

3-4-95 (Dated)

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Health and Welfare	\$ 4,114,576
Medicaid Eligibility Worker FY 03 (1-7).....	34,678

Revenues

Health and Welfare	\$ 4,114,576
Medicaid Eligibility Worker FY 03 (8-9).....	34,678

1) Regular Employee Salaries	(035-630-5179-1002)	\$ 27,203
2) City Retirement	(035-630-5179-1105)	1,700
3) ICMA Match	(035-630-5179-1116)	650
4) FICA	(035-630-5179-1120)	2,081
5) Health Insurance	(035-630-5179-1125)	2,748
6) Dental Insurance	(035-630-5179-1126)	202
7) Disability Insurance	(035-630-5179-1131)	94
8) Medicaid Eligibility Worker FY 03 - State	(035-630-5179-5179)	17,339
9) Medicaid Eligibility Worker FY 03 - Federal	(035-630-5179-5180)	17,339

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

55
9/19/12
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to execute, on behalf of the Department of Social Services, an Agreement between Roanoke City Department of Social Services, the State Health Department and the Virginia Department of Social Services for the continued services of an Eligibility Worker at the Health Department, upon certain terms and conditions.

WHEREAS, Roanoke City Department of Social Services, the State Health Department, and the Virginia Department of Social Services entered into an agreement in 1994 to establish an Eligibility Worker position through the Department of Social Services to be placed at the Roanoke City Health Department to ensure that all citizens have an opportunity to apply for Medicaid;

WHEREAS, the services of the Eligibility Worker are beneficial to both citizens and the Health Department in that it respectively allows citizens requesting services from the Health Department to apply for Medicaid at the same time, thereby making the application process more accessible and efficient, while enabling the Health Department to maximize Medicaid revenue; and

WHEREAS, this program is also beneficial to the Department of Social Services in that it is provided an eligibility worker at no cost for salary and benefits.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that the City Manager and the City Clerk are hereby authorized to execute and attest, respectively, in form approved by the City Attorney, a contract between Roanoke City Department of Social Services, the State Health Department, and the Virginia Department of Social Services for the continued services of an Eligibility Worker at the Health Department in accordance with the original agreement, upon such terms and conditions as more fully set forth in the City Manager's letter dated October 3, 2002, to Council.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

October 3, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable Dr. M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Railroad Crossing Gates
Norfolk Avenue, S.E.

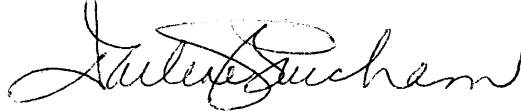
The Virginia Department of Transportation (VDOT) approved an application from the City of Roanoke in 1998 for the installation of railroad crossing gates on Norfolk Avenue, west of 3rd Street, S.E. This location is presently controlled by flashing lights. Funding to install the new gates and replace the flashing lights is 90 percent federal and 10 percent local. VDOT allows 98 percent of the local share to be funded from Roanoke's annual allocation of urban construction funds. Of the \$329,400 estimated for this project, this leaves Roanoke with a direct cost of \$658.80 (0.2 percent of the total cost). Existing operating accounts within the Transportation Division of the Department of Public Works can fund Roanoke's share of this project.

An agreement among the City of Roanoke, the Commonwealth of Virginia and the Norfolk Southern Railway Company has been prepared and furnished to Roanoke for execution. In addition to the construction cost, there is an annual maintenance fee of \$987.50 for which the City of Roanoke will be responsible. This likewise can be funded from the Transportation Division's operating accounts. Authority is needed at this time for the City Manager to execute this agreement on behalf of the City of Roanoke.

Recommended Action:

Authorize the City Manager to execute on behalf of the City of Roanoke the attached agreement with the Commonwealth of Virginia and the Norfolk Southern Railway Company.

Sincerely,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" being more prominent than the last name "Burcham".

Darlene L. Burcham
City Manager

DLB/RKB/gpe

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Robert K. Bengtson, P.E., Director of Public Works

#CM02-00219

Norfolk Avenue
Project U000-128-128, FS-706
Norfolk Southern Railway Company
Installation of Flashing Light
Signals and Short Arm Gates
DOT No. 468-008A
City of Roanoke

Norfolk Avenue
Norfolk Southern Railway Company
Installation of Flashing Light
Signals and Short Arm Gates
City of Roanoke

THIS AGREEMENT, dated this day of
2000, among the COMMONWEALTH OF VIRGINIA
acting by and through the Chief Engineer of the Virginia Department
of Transportation, hereinafter called "State", the CITY OF ROANOKE,
a municipal corporation of the Commonwealth of Virginia,
hereinafter called "City" and the NORFOLK SOUTHERN RAILWAY^{COMPANY} a
Virginia corporation hereinafter called "Railway"

WITNESSETH THAT

WHEREAS, it is proposed by the parties hereto to install
flashing light signals and short arm gates at the crossing of
Railway and Norfolk Avenue, in the City of Roanoke, Virginia, DOT
No 468-008A; and

WHEREAS, Title 23, United States Code "Highway Safety Act of
1991", including amendments and revisions thereof, has become
effective providing part of the funds for the construction of the
warning devices such as contemplated herein; and

WHEREAS, the said parties wish to agree as to the manner of
carrying out the requisite work, the costs and expenses to be borne
by each and the mode and time of payment therefor

NOW, THEREFORE, in consideration of the premises and the
mutual covenants hereinafter set forth, the parties hereto covenant
and agree as follows:

Railway will perform with its own forces or cause to be performed all of the work for the installation of flashing light signals and short arm gates in accordance with plans for same prepared by Railway and made a part of this Agreement by reference, no changes in said plans to be made without approval of State, together with such other plans and specifications as may be agreed upon by the parties hereto as necessary to carry out the work fully in accordance with the intent of this Agreement and in accordance with good engineering practices.

- § 2. The flashing light signals and short arm gates, together with all necessary attachments and track circuits to be installed, shall be of a type approved by the Federal Highway Administration and shall be automatic and operative without attendants

Railway shall furnish an estimate for the aforementioned work, said estimate in the amount of \$ 329 400.00 shall meet the approval of State, and City and upon such approval shall become a part of this Agreement, attached hereto.

In accordance with Federal-Aid Policy Guide, Subchapter G, Part 646, Subpart B, Section 210, (b)(1), and revisions and supplements thereto, this Project is not deemed to be of any benefit to Railway and therefore no participation shall be required of Railway It is understood that the construction of the Project herein contemplated is to be financed from

funds provided by the Federal Government, City, and State expended under Federal regulations; all plans specifications, estimates of costs, awards of contract, acceptance of work and procedures in general are subject at times to Federal laws, rules and regulations orders and approvals applicable to Federal projects of the character herein contemplated. Railway shall render its bills for actual costs and expenses incurred by it on account of the Project in accordance with Federal-Aid Policy Guide, Subchapter B, Part 140, Subpart I of the Federal Highway Administration and revisions and supplements thereto. State agrees to promptly pay Railway's bills upon receipt thereof items paid Railway by State and not approved by the Federal Highway Administration in accordance with Federal regulations in their final audit will be promptly refunded State by Railway upon submission of the items so disapproved.

- § 5. After the said flashing light signals and short arm gates together with all necessary attachments and track circuits, have been installed and found to be in satisfactory working order by the parties hereto, same shall be put into service by Railway and shall thereafter be operated at said crossing so long as Railway shall operate its railroad at said crossing or until said crossing is abandoned or legal requirements or authority make it unnecessary to continue operation and maintenance of the flashing light signals and

short arm gates thereat Maintenance of the flashing light signals and short arm gates and appurtenances shall be performed by Railway at the joint expense of Railway City. It is agreed by Railway and City that the current annual rate of maintenance of grade crossing protective devices at the crossing as herein contemplated is \$1,975.00 per annum, of which the City's share will be \$987.50 annum, which rate shall be adjusted at the end of calendar year if deemed proper and agreed upon by Railway and City Railway shall bill City for the first annual period of maintenance on a pro rata basis, beginning on the date on which the installation is reported completed; thereafter, Railway shall bill City annually as of December 31 of each year for its 50% portion of the maintenance cost of the protective devices covered herein and City agrees to pay Railway such portion of cost within sixty (60) days after receipt of the bill therefor.

§ 6. This Agreement when properly executed shall be binding upon the parties hereto and their respective successors assigns

IN TESTIMONY WHEREOF, the parties hereto have caused this Agreement to be executed in triplicate, each by its duly authorized officers and the corporate seals of the Norfolk Southern Railway^{Company} and the City of Roanoke affixed hereto, all as of the day, month, and year hereinabove first written

COMMONWEALTH OF VIRGINIA
Department of Transportation

By _____
CHIEF ENGINEER

ATTEST:

NORFOLK SOUTHERN RAILWAY COMPANY
taj

By TNE
GENERAL MANAGER

(CORPORATE SEAL)

ATTEST:


Assistant Corporate Secretary

CITY OF ROANOKE

(CORPORATE SEAL)

ATTEST

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing execution of an agreement between the City and the Commonwealth of Virginia, Department of Transportation, and the Norfolk Southern Railway Company, said agreement relating to the installation of flashing light signals and short arm gates at the crossing of Norfolk Avenue.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are authorized to execute and attest, respectively, an Agreement between the Commonwealth of Virginia, Department of Transportation and the Norfolk Southern Railway, in a form approved by the City Attorney, relating to the installation of flashing light signals and short arm gates at the crossing of Norfolk Avenue, as more fully set forth in the City Manager's letter dated October 3, 2002, to Council.

ATTEST:

City Clerk.

CITY OF ROANOKE

OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

October 3, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Architectural & Engineering Services
Phase II, Police Building
Proposal No. 02-01-16

In January 2002, the Contract for Consulting Services between the City and Ronald M. Martin & Associates, P.C., t/a Martin & Associates, P.C., for the Police Building project – Phase II, was terminated for cause based on the consultant's inability to maintain the project schedule and due to the loss of key personnel within its organization. Upon termination, the City paid approximately \$63,000 for services rendered to date.

In January 2002, a Request for Proposals to solicit professional architectural and engineering services to complete the Phase II portion of the Police Building project was publicly advertised. In February 2002, the City received proposals from four architectural-engineering design firms. The four firms were:

- Hughes Associates Architects
- Kinsey Shane Associates
- Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley
- Spectrum Design, P.C.

A five-person selection committee interviewed all four consulting firms in early March. The firm of Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley, 28 Church Avenue,

Honorable Mayor and Members of Council
October 3, 2002
Page 2

SW, Roanoke, Virginia 24011, was selected as best qualified to provide the required services for the project.

City staff has negotiated an acceptable agreement for the above work with Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley for a lump sum fee of \$345,000 which includes all normal ("basic") architectural/engineering design, bid and construction phase services. The cost for the project design has increased due to the introduction of a new consultant. The new consultant will also assist the City in the preparation of several development options related to the proposed site. These services were not included in the previous scope of work. Total funding in the amount of \$375,800 is needed for the project. Funding in excess of the contract amount is needed to support advertising expenses, reproduction of bid documents, and other unforeseen project expenses.

Funding for the agreement is available in the following accounts:

<u>Name</u>	<u>Number</u>	<u>Amount</u>
New Police Building Construction	008-052-9563	\$ 34,000
Police Building Design	008-052-9564	201,000
Capital Improvement Reserve	008-052-9575-9173	<u>140,000</u>
		<u>\$ 375,800</u>

Recommended Actions:

Authorize the City Manager to execute a Contract for Consultant Services for the above work with Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley in the amount of \$345,000.

Transfer \$34,000 from account number 008-052-9563, New Police Building Construction; \$201,800 from account number 008-052-9564, Police Building Design; and \$140,000 from account number 008-052-9575-9173, Capital Improvements Reserve, to an account to be established by the Director of Finance entitled, Police Building Design – Phase II.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/CMA

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, P.E., L.S., City Engineer

#CM02-00221

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Capital Projects Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Public Safety		\$ 8,524,471
New Police Building Construction (1).....		4,760,788
Police Building Design (2).....		1,257,930
Police Building Design - Phase II (3)		375,800
Capital Improvement Reserve		\$ 7,588,963
Capital Improvement Reserve (4)		499,046
1) Appropriated from		
General Revenue	(008-052-9563-9003)	\$ (34,000)
2) Appropriated from		
General Revenue	(008-052-9564-9003)	(201,800)
3) Appropriated from		
General Revenue	(008-530-9567-9003)	375,800
4) Buildings and Structures	(008-052-9575-9173)	(140,000)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

P.T.
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing a contract with Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley, for architectural and engineering services for the Police Building Project - Phase II.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are hereby authorized to execute and attest, respectively, a contract with Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley, in the amount of \$345,000.00 for architectural and engineering services for the Police Building Project - Phase II, as described in the City Manager's letter to this Council dated October 3, 2002.
2. The form of the contract shall be approved by the City Attorney, all as more particularly set forth in the City Manager's letter to this Council dated October 3, 2002.

ATTEST:

City Clerk.



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
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CityWeb: www.roanokegov.com

October 3, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable Dr. M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Assistance to Firefighters
Grant Award

Background:

The Assistance to Firefighters Grant Program is designed as an opportunity for the United States Congress to work with the Federal Emergency Management Agency (FEMA) to enhance basic fire service delivery across the United States. Over 19,000 fire departments applied for grant awards this year, however 5,000 departments will receive the allotted \$360 million to support fire protection, EMS delivery, vehicle purchase, and prevention programs in 2002.

The Federal Emergency Management Agency and the United States Fire Administration recently announced that the Roanoke Fire-EMS Department has been awarded a \$624,840.00 grant from the 2002 Assistance to Firefighters Grant program. The total award package includes a local match of 30% totaling \$187,452, which is budgeted in account 001-520-3213-9132. This grant was authored and submitted in collaboration with Randall Funding and Development, Inc., the firm with which City Council authorized the execution of a contract for grant writing services earlier this year. To date, not inclusive of matching funds, \$570,388 in grant funding (\$15,000 non-monetary) has been generated through this contract. The contract cost for two years is \$121,000.

The Honorable Mayor and Members of Council
October 3, 2002
Page 2

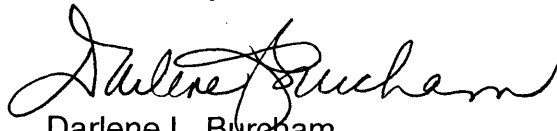
Considerations:

The award will be used by the department for support in Fire Operations and Firefighter Safety. Specifically, the award will be used to acquire new firefighting equipment in the form of Rapid Intervention Team (RIT) kits, and to update personal protective equipment by replacing old and obsolete air packs.

Recommended Action:

Authorize acceptance of the grant award, authorize the City Manager to execute the required grant agreement and any other related documents, and establish appropriate revenue and expenditure estimates in the Grant Fund in accounts to be determined by the Director of Finance. Approve a transfer of the City match in the amount of \$187,452 from account number 001-520-3213-9132 to the Transfers to Grant account.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/JG/jsf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George S. Snead, Assistant City Manager for Operations
James Grigsby, Fire-EMS Chief

#CM02-00217

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Funds Appropriations dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General and Grant Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Public Safety	\$46,520,086
Fire Operations (1)	11,777,683
Nondepartmental	\$73,870,639
Transfer to Grant Fund (2).....	453,437

Grant Fund

Appropriations

Public Safety	\$ 3,077,979
Assistance To Firefighters Grant (3).....	624,840

Revenues

Public Safety	\$ 3,077,979
Assistance To Firefighters Grant (4-5).....	624,840

1) CMERP-Equipment Purchase	(001-520-3213-9132)	\$(187,452)
2) Transfer To Grant Fund	(001-250-9310-9535)	187,452
Expendable Equipment		
3) < \$5,000	(035-520-3342-2035)	624,840
4) Assistance to Firefighters Grant	(035-520-3342-3344)	437,388
5) Assistance to Firefighters Grant		
Local Match	(035-520-3342-3345)	187,452

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a certain Assistance to Firefighters Grant from the Federal Emergency Management Agency, and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager is hereby authorized on behalf of the City to accept from the Federal Emergency Management Agency, an Assistance to Firefighters Grant in the amount of \$437,388, with the City providing an additional \$187,452 in local match, such grant being more particularly described in the letter of the City Manager, dated October 3, 2002, upon all terms, provisions and conditions relating to the receipt of such funds.

2. The City Manager is hereby authorized to execute, on behalf of the City, any documentation required in connection with the acceptance of such grant and to furnish such additional information as may be required by the Federal Emergency Management Agency.

ATTEST:

City Clerk



WILLIAM M. HACKWORTH
CITY ATTORNEY

CITY OF ROANOKE
OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431
FAX: 540-853-1221
EMAIL: cityatty@ci.roanoke.va.us

ELIZABETH K. DILLON
STEVEN J. TALEVI
GARY E. TEGENKAMP
DAVID L. COLLINS
HEATHER P. FERGUSON
ASSISTANT CITY ATTORNEYS

October 3, 2002

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Educational funding crisis

Dear Mayor Smith and Council Members:

At the Council meeting of September 16, 2002, after reviewing a Virginia Education Association (VEA) resolution concerning the educational funding crisis in the Commonwealth, Council referred the matter to the City Attorney for preparation of a resolution for the consideration of the Council.

In accordance with Council's request, I am attaching a resolution expressing City Council's concerns regarding the educational funding crisis in Virginia.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in dark ink, reading "William M. Hackworth". The signature is written in a cursive style.

William M. Hackworth
City Attorney

WMH:f

Attachment

cc: Darlene L. Burcham, City Manager
Jesse A. Hall, Director of Finance

WMB

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION declaring the educational funding crisis in the Commonwealth to be of paramount importance to the City, its residents and its school children.

WHEREAS, studies undertaken by the Joint Legislative Audit and Review Commission (JLARC) in the late 1980's brought about dramatic changes in the formula used by the Commonwealth to finance K-12 education;

WHEREAS, a November 2001, JLARC Report concluded that the methods used by the State to distribute funds for education severely understated the actual costs required to provide educational services throughout the Commonwealth;

WHEREAS, the current Standards of Quality are outdated and do not reflect the actual educational practices of local school divisions;

WHEREAS, the Commonwealth provided an estimated 43% of the revenues for K-12 education in 1999-00 while local governments provided 51%;

WHEREAS, the public schools' share of the State's General Fund revenues has fallen from 51% in 1968-1970 to an estimated 32.7% in 2002-2004;

WHEREAS, Virginia has the dubious distinction of possessing one of the most disparate systems of funding K-12 schools in the United States;

WHEREAS, equity studies conducted in Virginia have confirmed that the quality of a child's education is primarily a function of the fiscal capacity of his or her community, and financial disparities are larger than before the finance system was restructured;

WHEREAS, school finance research has shown consistently that it is virtually impossible for a state highly dependent on local fiscal support to achieve a high level of fiscal equalization among its local school divisions;

WHEREAS, the new Standards of Accreditation and Standards of Learning have substantial fiscal ramifications which must be acknowledged and included in funding for K-12 education;

WHEREAS, the State Commission on Educational Infrastructure identified needed public school construction projects totaling \$8.2 billion over the next five years;

WHEREAS, State funding for technology has been insufficient and unpredictable in past years;

WHEREAS, a recent study by the Department of Education showed that the State paid 26% of the costs of Special Education in 1980-1999, with the federal government paying 9% and local government paying 65%;

WHEREAS, a lack of funding support and guidance from the State has resulted in the decline of Virginia teacher salaries relative to the national average and to our neighboring states;

WHEREAS, the JLARC study of K-12 education revealed flaws in the funding formula and a need to relate State standards to current education practices; and

WHEREAS, the JLARC Report found that SOQ costs were understated by over \$1 billion for the 2002-2004 biennium.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that it declares the education funding crisis in the Commonwealth to be of paramount importance to the City, its residents and its school children.

BE IT FURTHER RESOLVED THAT THE City Clerk is directed to forward attested copies of this resolution to The Honorable John S. Edwards, Member, Senate of Virginia, The Honorable A. Victor Thomas, Member, House of Delegates, and The Honorable Clifton A. Woodrum, III, Member, House of Delegates.

ATTEST:

City Clerk.



CITY OF ROANOKE

DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461
 P.O. Box 1220
 Roanoke, Virginia 24006-1220
 Telephone: (540) 853-2821
 Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

October 3, 2002

The Honorable Ralph K. Smith, Mayor
 The Honorable C. Nelson Harris, Vice Mayor
 The Honorable William D. Bestpitch, Council Member
 The Honorable William H. Carder, Council Member
 The Honorable M. Rupert Cutler, Council Member
 The Honorable Alfred T. Dowe, Jr., Council Member
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

SUBJECT: August Financial Report

This financial report covers the first two months of the 2002-2003 fiscal year. The following narrative discusses revenues and expenditures to date.

REVENUE

General Fund revenues reflect an increase of 6.55% or \$356,000 compared to FY02. Variances in specific categories of revenues are as follows:

General Property Taxes increased 41.70% or \$123,000 due to timing differences. Personal property taxes were up slightly from the prior year, partially offset by a decline in real estate tax revenue. However, the majority of property tax revenue will be received in future months as the taxes become due. Penalties and interest also decreased.

Other Local Taxes decreased \$28,000 or 1.35%. Sales tax revenue was up 1.62% from the prior year. Cellular phone tax revenue continued to increase, up approximately \$120,000 from the same period of the prior year. Admissions tax revenue increased from the prior year. Diligent monitoring and collection efforts, in addition to a rate increase, positively impacted the performance of this tax. The elimination of the seller's discount, which also became effective July 1, 2002, contributed to the increase in cigarette tax. These increases are offset by a decline in utility consumer taxes caused by a timing difference.

Permits, Fees and Licenses declined \$31,000 or 18.37%. Permit valuations for commercial projects during July and August of the current fiscal year were lower than the same period in the prior year, having a negative impact on building inspection fees. Heating and plumbing inspection fees also declined.

Fines and Forfeitures rose \$81,000. General District Court fines were up approximately 25%. The fine for speeding violations was increased effective July 1, 2002, generating additional revenue. A higher caseload in the current year also contributed to this increase. Revenues from parking tickets rose almost \$59,000 as compared to the same period in the

prior year. Civilianizing of the ticketing function combined with an increase in parking fines has led to an increase in parking ticket revenues.

Revenue from Use of Money and Property declined 12.12% or \$24,000. Lower short-term interest rates cause this decline.

Grants-in-Aid Commonwealth increased \$202,000 or 10.24%. Social services revenue, including revenue received under the Comprehensive Services Act (CSA), increased slightly. These increases are partially offset by a decline in rental car tax caused by timing differences. As anticipated, the revenue received from the state under the Virginia Juvenile Community Crime Control Act (VJCCCA) for the first quarter of FY03 decreased from the prior year. The State is expected to cut VJCCCA program revenues for FY03 by 51%.

Charges for Services rose 13.61% or \$65,000. Several new fees were authorized by the 2002 General Assembly and were effective July 1, 2002, including a courthouse security fee, inmate processing fee, and DNA sampling fee. Circuit Court Clerk fees were up. A rate increase in EMS fees was effective April 1, 2002, contributing to the increase in this category. A decline in weed cutting and demolition revenue partially offsets these increases.

Miscellaneous Revenue is up \$12,000 largely due to timing differences. Damages to City property increased slightly from the prior year.

Internal Services decreased \$45,000 due to timing differences in airport billings. Earlier receipt of payment from the Roanoke Valley Detention Commission (RVDC) for financial services provided by the City partially offsets the decrease.

EXPENDITURES AND ENCUMBRANCES

General fund expenditures and encumbrances have decreased 4.63% or \$1,827,000 since FY02. Variances in individual expenditure categories are discussed as follows:

General Government expenditures decreased 8.51% or \$191,000. Personal service costs in various departments declined due to a hiring slow down. Reimbursement from the School for services provided by Municipal Auditing was received earlier in F03 than the prior year. Electoral Board expenditures were down due to a decline in personal services costs and the purchase of office furniture during the prior year.

Health and Welfare expenditures rose \$221,000 or 6.87%. Timing differences in payment to Blue Ridge Behavioral Healthcare, Total Action Against Poverty and contributions paid by the Human Services Committee contributed to this increase.

Parks, Recreation and Cultural expenditures declined 9.21% or \$97,000 due to a decrease in expenditures of the Recreation department. Personal services costs and expendable equipment purchases declined. Miscellaneous equipment and furnishings, including appliances and furnishings for the recreation centers, pool supplies, and a scoreboard were purchased in the prior year.

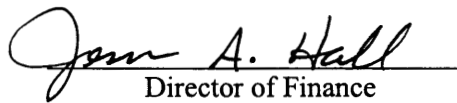
Transfer to Debt Service Fund declined 7.07% or \$443,000 due to timing differences.

Nondepartmental expenditures decreased \$952,000 due to a timing difference in the transfers to Capital Projects Fund. Transfers to the Grant Fund were less in FY03 due to the substantial decrease in VJCCCA funding transferred. As

Honorable Mayor and Members of Council
October 3, 2002
Page 3

mentioned previously, the state cut this funding source for FY03. A timing difference in the transfer to the Greater Roanoke Transit Company partially offset these decreases.

I would be pleased to answer questions City Council may have regarding the monthly financial statements.


Director of Finance

JAH/tht
Attachments

**CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
AUGUST 31, 2002**

Balance of Contingency at July 1, 2002					\$476,300
<u>Ordinance Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	
BO 36022	08/19/02	Drug Prosecutor	Contingency	Transfer to Grant Fund	(9,381)
Available Contingency at August 31, 2002					<u>\$466,919</u>

**CITY OF ROANOKE, VIRGINIA
GENERAL FUND**

STATEMENT OF REVENUE

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - Aug 31 2001-2002	July 1 - Aug 31 2002-2003	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	\$ 295,650	\$ 418,939	41.70 %	\$ 78,340,707	0.53%
Other Local Taxes	2,072,425	2,044,492	-1.35 %	59,301,164	3.45%
Permits, Fees and Licenses	168,713	137,715	-18.37 %	1,030,694	13.36%
Fines and Forfeitures	141,423	222,486	57.32 %	1,116,350	19.93%
Revenue from Use of Money and Property	197,804	173,828	-12.12 %	1,082,729	16.05%
Grants-in-Aid Commonwealth	1,975,453	2,177,734	10.24 %	45,687,395	4.77%
Grants-in-Aid Federal Government	-	-	0.00 %	34,300	0.00%
Charges for Services	476,722	541,583	13.61 %	4,353,761	12.44%
Miscellaneous Revenue	7,261	19,632	170.38 %	295,045	6.65%
Internal Services	108,055	63,399	-41.33 %	2,302,219	2.75%
Total	\$ 5,443,506	\$ 5,799,808	6.55 %	\$ 193,544,364	3.00%

STATEMENT OF EXPENDITURES AND ENCUMBRANCES

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - Aug 31 2001-2002	July 1 - Aug 31 2002-2003	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
General Government	\$ 2,238,347	\$ 2,047,806	-8.51 %	\$ 9,571,323	\$ 11,619,129	17.62%
Judicial Administration	1,033,759	1,069,039	3.41 %	5,224,367	6,293,406	16.99%
Public Safety	8,683,514	8,291,334	-4.52 %	38,038,935	46,330,269	17.90%
Public Works	6,563,895	6,402,789	-2.45 %	18,141,806	24,544,595	26.09%
Health and Welfare	3,211,542	3,432,265	6.87 %	24,016,488	27,448,753	12.50%
Parks, Recreation and Cultural	1,051,087	954,277	-9.21 %	3,841,827	4,796,104	19.90%
Community Development	957,061	988,654	3.30 %	4,310,502	5,299,156	18.66%
Transfer to Debt Service Fund	6,271,344	5,827,993	-7.07 %	11,019,049	16,847,042	34.59%
Transfer to School Fund	7,664,611	7,786,124	1.59 %	38,930,621	46,716,745	16.67%
Nondepartmental	1,786,587	834,454	-53.29 %	5,248,509	6,082,963	13.72%
Total	\$ 39,461,747	\$ 37,634,735	-4.63 %	\$ 158,343,427	\$ 195,978,162	19.20%

Notes:

Certain reclassifications have been made to prior year financial statements to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA
SCHOOL FUND STATEMENT OF REVENUE**

<u>Revenue Source</u>	<u>Year to Date for the Period</u>			<u>Current Fiscal Year</u>	
	<u>July 1 - August 31 2001-2002</u>	<u>July 1 - August 31 2002-2003</u>	<u>Percentage of Change</u>	<u>Revised Revenue Estimates</u>	<u>Percent of Revenue Estimate Received</u>
State Sales Tax	\$ -	\$ 119,445	100.00 %	\$ 9,226,504	1.29 %
Grants-in-Aid Commonwealth	5,525,078	5,933,043	7.38 %	43,236,695	13.72 %
Grants-in-Aid Federal Government	9,236	3,476	-62.36 %	115,298	3.01 %
Charges for Services	199,212	167,269	-16.03 %	2,127,968	7.86 %
Transfer from General Fund	7,664,611	7,786,124	1.59 %	46,716,745	16.67 %
Special Purpose Grants	2,468,897	1,565,257	-36.60 %	2,172,602	NA
Total	\$ 15,867,034	\$ 15,574,614	-1.84 %	\$ 103,595,812	15.03 %

SCHOOL FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES

<u>Expenditures</u>	<u>Year to Date for the Period</u>			<u>Current Fiscal Year</u>		
	<u>July 1 - August 31 2001-2002</u>	<u>July 1 - August 31 2002-2003</u>	<u>Percentage of Change</u>	<u>Unencumbered Balance</u>	<u>Revised Appropriations</u>	<u>Percent of Budget Obligated</u>
Instruction	\$ 4,516,754	\$ 4,357,718	-3.52 %	\$ 73,658,090	\$ 78,015,808	5.59 %
General Support	631,244	367,358	-41.80 %	3,655,576	4,022,934	9.13 %
Transportation	154,338	224,628	45.54 %	3,793,590	4,018,218	5.59 %
Operation and						
Maintenance of Plant	1,190,286	2,269,085	90.63 %	8,648,328	10,917,413	20.78 %
Facilities	985,779	952,287	-3.40 %	3,510	955,797	99.63 %
Other Uses of Funds	4,751,913	4,940,037	3.96 %	55,422	4,995,459	98.89 %
Special Purpose Grants	1,594,579	2,172,602	36.25 %	-	2,172,602	NA
Total	\$ 13,824,893	\$ 15,283,715	10.55 %	\$ 89,814,516	\$ 105,098,231	14.54 %

Notes:

Certain reclassifications have been made to prior year financial statements to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA
SCHOOL FOOD SERVICES FUND STATEMENT OF REVENUE**

<u>Revenue Source</u>	<u>Year to Date for the Period</u>			<u>Current Fiscal Year</u>	
	<u>July 1 - August 31 2001-2002</u>	<u>July 1 - August 31 2002-2003</u>	<u>Percentage of Change</u>	<u>Revised Revenue Estimates</u>	<u>Percent of Revenue Estimate Received</u>
Grants-in-Aid Commonwealth	\$ -	\$ -	\$ - %	\$ 84,464	0.00 %
Grants-in-Aid Federal Government	25,728	18,088	-29.70 %	2,747,730	0.66 %
Charges for Services	82,670	18,361	-77.79 %	1,689,923	1.09 %
Total	\$ 108,398	\$ 36,449	-66.37 %	\$ 4,522,117	0.81 %

SCHOOL FOOD SERVICES FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES

<u>Expenditures</u>	<u>Year to Date for the Period</u>			<u>Current Fiscal Year</u>		
	<u>July 1 - August 31 2001-2002</u>	<u>July 1 - August 31 2002-2003</u>	<u>Percentage of Change</u>	<u>Unencumbered Balance</u>	<u>Revised Appropriations</u>	<u>Percent of Budget Obligated</u>
Food Services	\$ 334,860	\$ 207,115	-38.15 %	\$ 4,318,376	\$ 4,525,491	4.58 %
Facilities	-	11,061	100.00 %	(8,105)	2,956	374.19 %
Total	\$ 334,860	\$ 218,176	-34.85 %	\$ 4,310,271	\$ 4,528,447	4.82 %

**CITY OF ROANOKE, VIRGINIA
CAPITAL PROJECTS FUND
STATEMENT OF EXPENDITURES, ENCUMBRANCES, AND
UNENCUMBERED APPROPRIATIONS SUMMARY AS OF AUGUST 31, 2002**

	Budget	Expenditures To Date	Unexpended Balance	Outstanding Encumbrances	Unobligated Balance
General Government	\$ 13,246,584	\$ 11,936,753	\$ 1,309,831	\$ 143,173	\$ 1,166,658
Flood Reduction	21,808,387	9,362,442	12,445,945	1,432,152	11,013,793
Economic Development	32,901,540	23,352,344	9,549,196	96,817	9,452,379
Community Development	6,216,143	4,056,562	2,159,581	685,479	1,474,102
Public Safety	8,384,471	7,211,883	1,172,588	219,279	953,309
Recreation	28,476,537	6,856,983	21,619,554	1,623,365	19,996,189
Streets and Bridges	25,471,040	21,465,617	4,005,423	2,043,612	1,961,811
Storm Drains	3,212,131	2,089,261	1,122,870	272,433	850,437
Traffic Engineering	5,276,952	4,399,359	877,593	735,329	142,264
Capital Improvement Reserve	7,728,963	-	7,728,963	-	7,728,963
Total	\$ 152,722,748	\$ 90,731,204	\$ 61,991,544	\$ 7,251,639	\$ 54,739,905

**CITY OF ROANOKE, VIRGINIA
SCHOOL CAPITAL PROJECTS FUND
STATEMENT OF EXPENDITURES, ENCUMBRANCES, AND
UNENCUMBERED APPROPRIATIONS SUMMARY AS OF AUGUST 31, 2002**

	Budget	Expenditures To Date	Unexpended Balance	Outstanding Encumbrances	Unobligated Balance
Elementary Schools Renovation	\$ 17,558,105	\$ 12,584,293	\$ 4,973,812	\$ 319,680	\$ 4,654,132
Middle Schools Renovation	2,840,307	2,693,809	146,498	105,950	40,548
High Schools Renovation	3,525,763	3,504,008	21,755	153	21,602
Interest Expense	262,929	249,467	13,462	-	13,462
Capital Improvement Reserve	1,051,271	-	1,051,271	-	1,051,271
Total	\$ 25,238,375	\$ 19,031,577	\$ 6,206,798	\$ 425,783	\$ 5,781,015

**CITY OF ROANOKE, VIRGINIA
CAPITAL PROJECTS FUND
COMPARATIVE STATEMENT OF REVENUES
FOR THE TWO MONTHS ENDING AUGUST 31, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
Interest Revenue:		
Interest on Bond Proceeds	\$ 191,668	\$ 126,512
Interest on SunTrust Lease	451	4,058
Interest on Idle Working Capital	<u>59,690</u>	<u>128,889</u>
Total Interest Revenue	<u>251,809</u>	<u>259,459</u>
Multi Year Revenues:		
Intergovernmental Revenue:		
Commonwealth:		
Passenger Station Improvement - ISTE	98,409	-
Virginia Transportation Museum - ISTE	<u>-</u>	<u>16,176</u>
Total Intergovernmental Revenue	<u>98,409</u>	<u>16,176</u>
Revenue from Third Parties:		
Advance Stores Governor's Opportunity Fund Agreement	170,000	-
Carilion Health Systems - Land Sale	-	365,000
Times-World Corporation - Land Sale	<u>-</u>	<u>100</u>
Total Revenue from Third Parties	<u>170,000</u>	<u>365,100</u>
Other Revenue:		
Transfers from General Fund	<u>-</u>	<u>1,144,900</u>
Total Other Revenue	<u>-</u>	<u>1,144,900</u>
Total	<u><u>\$ 520,218</u></u>	<u><u>\$ 1,785,635</u></u>

**CITY OF ROANOKE, VIRGINIA
WATER FUND
COMPARATIVE INCOME STATEMENT
FOR THE TWO MONTHS ENDING AUGUST 31, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
Operating Revenues		
Commercial Sales	\$ 586,344	\$ 562,382
Domestic Sales	174,780	122,576
Industrial Sales	67,620	115,380
Town of Vinton	2,444	(316)
City of Salem	3,270	3,300
County of Botetourt	24,541	17,196
County of Bedford	(4,144)	(7,785)
Customer Services	60,783	83,001
Charges for Services	<u>438,565</u>	<u>406,775</u>
Total Operating Revenues	<u>1,354,202</u>	<u>1,302,509</u>
Operating Expenses		
Personal Services	773,070	761,647
Operating Expenses	878,448	721,746
Depreciation	<u>309,714</u>	<u>277,492</u>
Total Operating Expenses	<u>1,961,232</u>	<u>1,760,885</u>
Operating Loss	<u>(607,030)</u>	<u>(458,376)</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	23,655	46,443
Rent	21,500	14,801
Miscellaneous Revenue	10,740	33,411
Interest and Fiscal Charges	<u>(159,659)</u>	<u>(172,292)</u>
Net Nonoperating Expenses	<u>(103,764)</u>	<u>(77,637)</u>
Net Loss	<u><u>\$ (710,794)</u></u>	<u><u>\$ (536,013)</u></u>

Note: Reversal of year end accruals with no offsetting activity in the current year caused certain Revenues to be negative.

**CITY OF ROANOKE, VIRGINIA
WATER POLLUTION CONTROL FUND
COMPARATIVE INCOME STATEMENT
FOR THE TWO MONTHS ENDING AUGUST 31, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
Operating Revenues		
Sewage Charges - City	\$ 636,493	\$ 794,876
Sewage Charges - Roanoke County	73,173	72,476
Sewage Charges - Vinton	20,192	20,871
Sewage Charges - Salem	20,888	60,890
Sewage Charges - Botetourt County	15,238	7,922
Customer Services	92,365	46,215
Interfund Services	45,348	16,262
Total Operating Revenues	<u>903,697</u>	<u>1,019,512</u>
Operating Expenses		
Personal Services	380,241	405,994
Operating Expenses	620,062	871,251
Depreciation	310,214	303,915
Total Operating Expenses	<u>1,310,517</u>	<u>1,581,160</u>
Operating Loss	<u>(406,820)</u>	<u>(561,648)</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	27,547	44,576
Miscellaneous Revenue	302	91
Interest and Fiscal Charges	(123,982)	(126,596)
Net Nonoperating Revenues (Expenses)	<u>(96,133)</u>	<u>(81,929)</u>
Net Loss	<u><u>\$ (502,953)</u></u>	<u><u>\$ (643,577)</u></u>

**CITY OF ROANOKE, VIRGINIA
CIVIC CENTER FUND
COMPARATIVE INCOME STATEMENT
FOR THE TWO MONTHS ENDING AUGUST 31, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
Operating Revenues		
Rentals	\$ 62,318	\$ 42,341
Event Expenses	23,181	17,366
Admissions Tax	5,746	50,200
Electrical Fees	1,260	19,494
Facility Surcharge	3,236	4,440
Charge Card Fees	1,618	400
Parking Fees	-	6,712
Commissions	92	17,313
Catering/Concessions	54,460	43,279
Other	686	3,425
	<u>152,597</u>	<u>204,970</u>
Total Operating Revenues		
	<u>152,597</u>	<u>204,970</u>
Operating Expenses		
Personal Services	273,180	287,968
Operating Expenses	299,091	275,787
Depreciation	84,430	81,900
	<u>656,701</u>	<u>645,655</u>
Total Operating Expenses		
	<u>656,701</u>	<u>645,655</u>
Operating Loss	<u>(504,104)</u>	<u>(440,685)</u>
Nonoperating Revenues		
Interest on Investments	8,257	4,499
Miscellaneous	33	153
	<u>8,290</u>	<u>4,652</u>
Total Nonoperating Revenues		
	<u>8,290</u>	<u>4,652</u>
Net Loss	<u><u>\$ (495,814)</u></u>	<u><u>\$ (436,033)</u></u>

**CITY OF ROANOKE, VIRGINIA
PARKING FUND
COMPARATIVE INCOME STATEMENT
FOR THE TWO MONTHS ENDING AUGUST 31, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
Operating Revenues		
Century Station Parking Garage	\$ 63,819	\$ 64,509
Williamson Road Parking Garage	59,737	72,736
Market Square Parking Garage	38,290	41,373
Church Avenue Parking Garage	97,083	77,742
Tower Parking Garage	68,574	61,257
Williamson Road Surface Lots	13,422	10,719
Gainsboro Parking Garage	5,746	-
Norfolk Avenue Surface Lot	9,995	6,129
Gainsboro Surface Lot	5,419	3,024
Total Operating Revenues	<u>362,085</u>	<u>337,489</u>
Operating Expenses		
Operating Expenses	132,015	123,797
Depreciation	90,848	89,096
Total Operating Expenses	<u>222,863</u>	<u>212,893</u>
Operating Income	<u>139,222</u>	<u>124,596</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	2,203	2,454
Miscellaneous	140	268
Interest and Fiscal Charges	(93,375)	(82,854)
Net Nonoperating Expenses	<u>(91,032)</u>	<u>(80,132)</u>
Net Income	<u><u>\$ 48,190</u></u>	<u><u>\$ 44,464</u></u>

**CITY OF ROANOKE, VIRGINIA
HOTEL ROANOKE CONFERENCE CENTER FUND
COMPARATIVE INCOME STATEMENT
FOR THE MONTH ENDING AUGUST 31, 2002**

	FY 2003			FY 2002
	CONFERENCE			
	COMMISSION (1)	CENTER (2)	TOTAL	
Operating Revenues				
Conference Center	\$ -	\$ 497,333	\$ 497,333	\$ 465,231
Total Operating Revenues	-	497,333	497,333	465,231
Operating Expenses				
Personal Services	17,366	-	17,366	17,433
Fees for Professional Services	-	-	-	14,123
Administrative Expenses	4,680	-	4,680	558
Conference Center	-	420,067	420,067	426,668
Total Operating Expenses	22,046	420,067	442,113	458,782
Net Operating Income (Loss)	(22,046)	77,266	55,220	6,449
Nonoperating Revenues (Expenses)				
Contributions from City of Roanoke	31,250	-	31,250	43,750
Contributions from Virginia Tech	31,250	-	31,250	43,750
Construction Repairs (3)	-	-	-	562,014
Interest on Investments	12,685	565	13,250	28,564
Rent, Taxes, Insurance, and Other	-	(6,293)	(6,293)	(2,794)
Net Nonoperating Revenues (Expenses)	75,185	(5,728)	69,457	675,284
Net Income Before Depreciation	53,139	71,538	124,677	681,733
Depreciation Expense/Replacement Reserve	(85,206)	(24,858)	(110,064)	(99,027)
Net Income (Loss)	\$ (32,067)	\$ 46,680	\$ 14,613	\$ 582,706

Notes to Financial Statement:

- (1) The column entitled "Commission" represents Commission activity in the City's financial records.
- (2) The column entitled "Conference Center" represents actual revenue and expenses of the Conference Center, as provided by Doubletree Management.
- (3) Expense items are normally shown with brackets. Reversal of year end accruals without adequate offsetting payment cause construction expenses to be positive through August 31 of FY02.

**CITY OF ROANOKE, VIRGINIA
INTERNAL SERVICE FUNDS
COMPARATIVE INCOME STATEMENT
FOR THE TWO MONTHS ENDING AUGUST 31, 2002**

				TOTALS	
	Department of Technology	Fleet Management	Risk Management	FY 2003	FY 2002
Operating Revenues					
Charges for Services	\$ 674,876	\$ 450,827	\$ 1,774,536	\$ 2,900,239	\$ 2,740,368
Total Operating Revenues	674,876	450,827	1,774,536	2,900,239	2,740,368
Operating Expenses					
Personal Services	407,689	223,067	28,248	659,004	683,657
Operating Expenses	293,355	317,635	2,175,187	2,786,177	2,335,263
Depreciation	122,885	445,977	-	568,862	458,360
Total Operating Expenses	823,929	986,679	2,203,435	4,014,043	3,477,280
Operating Loss	(149,053)	(535,852)	(428,899)	(1,113,804)	(736,912)
Nonoperating Revenues (Expenses)					
Interest Revenue	16,911	1,896	36,332	55,139	112,328
Interest Expense	(1,444)	(12,943)	-	(14,387)	(11,221)
Transfers From Other Funds	80,623	278,761	-	359,384	232,443
Other Revenue	-	-	-	-	10,184
Net Nonoperating Revenues	96,090	267,714	36,332	400,136	343,734
Net Loss	\$ (52,963)	\$ (268,138)	\$ (392,567)	\$ (713,668)	\$ (393,178)

Note: Certain reclassifications have been made to prior year financial statements to conform to current year presentation

CITY OF ROANOKE, VIRGINIA
CITY TREASURER'S OFFICE
GENERAL STATEMENT OF ACCOUNTABILITY
FOR THE MONTH ENDED AUGUST 31, 2002

TO THE DIRECTOR OF FINANCE:

GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR THE FUNDS OF SAID CITY FOR THE MONTH ENDED AUGUST 31, 2002.

FUND	BALANCE AT JULY 31, 2002	RECEIPTS	DISBURSEMENTS	BALANCE AT AUG 31, 2002	BALANCE AT AUG 31, 2001
GENERAL	\$17,012,647.91	\$8,242,207.09	\$28,726,488.92	(\$3,471,633.92)	(\$1,450,411.19)
WATER	8,026,021.78	502,131.55	715,716.96	7,812,436.37	6,027,338.74
WATER POLLUTION CONTROL	9,093,887.99	1,738,610.26	2,157,686.07	8,674,812.18	6,733,165.86
CIVIC FACILITIES	4,358,160.87	32,650.01	745,855.69	3,644,955.19	1,134,782.35
PARKING	88,562.91	178,527.32	163,781.86	103,308.37	75,983.11
CAPITAL PROJECTS	61,613,946.35	2,296,273.37	2,416,338.76	61,493,880.96	35,135,395.69
CONFERENCE CENTER	4,238,344.45	2,818.31	19,499.08	4,221,663.68	4,420,084.50
RKE VALLEY DETENTION COMM	2,606.00	0.00	0.00	2,606.00	4,751,100.65
DEBT SERVICE	5,119,930.57	9,136,202.68	0.00	14,256,133.25	13,251,135.96
DEPT OF TECHNOLOGY	5,740,697.82	179,910.66	711,741.48	5,208,867.00	4,412,996.20
MATERIALS CONTROL	0.00	0.00	0.00	0.00	178,627.82
MANAGEMENT SERVICES	0.00	0.00	0.00	0.00	185,313.98
FLEET MANAGEMENT	249,175.72	342,567.73	292,153.89	299,589.56	(56,774.41)
PAYROLL	(11,122,655.55)	13,390,934.75	11,145,658.52	(8,877,379.32)	(11,988,452.96)
RISK MANAGEMENT	12,098,628.81	615,329.47	1,211,105.14	11,502,853.14	11,939,225.92
PENSION	884,261.25	324,010.06	1,405,699.51	(197,428.20)	2,526,038.08
SCHOOL FUND	7,241,669.76	6,458,011.16	3,443,727.98	10,255,952.94	9,744,114.91
SCHOOL CAPITAL PROJECTS	7,137,751.42	1,907.31	5,196.70	7,134,462.03	(560,360.25)
SCHOOL FOOD SERVICE	293,747.48	2,249.43	104,185.14	191,811.77	54,699.11
FDETC	125,472.62	29,102.65	134,061.44	20,513.83	61,092.50
GRANT	315,615.34	318,015.84	941,273.76	(307,642.58)	781,957.24
TOTAL	\$132,518,473.50	\$43,791,459.65	\$54,340,170.90	\$121,969,762.25	\$87,357,053.81

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED AUGUST 31, 2002.
THAT SAID FOREGOING:

CASH:

CASH IN HAND	\$33,894.78
CASH IN BANK	1,881,822.00

INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:

COMMERCIAL HIGH PERFORMANCE MONEY MARKET	14,363,381.50
LOCAL GOVERNMENT INVESTMENT POOL	27,021,356.90
MONEY MANAGEMENT ACCOUNT	10,236,186.30
REPURCHASE AGREEMENTS	5,000,000.00
U. S. AGENCIES	9,856,361.11
VIRGINIA AIM PROGRAM (U. S. SECURITIES)	53,576,759.66
TOTAL	<u><u>\$121,969,762.25</u></u>

DATE: SEPTEMBER 10, 2002


DAVID C. ANDERSON, TREASURER

**CITY OF ROANOKE PENSION PLAN
STATEMENT OF CHANGES IN PLAN NET ASSETS
FOR THE TWO MONTHS ENDED AUGUST 31, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
<u>Additions:</u>		
Employer Contributions	\$ 439,977	\$ 566,723
Investment Income		
Net Appreciation (Depreciation) in Fair Value of Investments	(13,503,767)	(11,278,179)
Interest and Dividend Income	74,603	164,227
Total Investment Income (Loss)	(13,429,164)	(11,113,952)
Less Investment Expense	(81,353) (1)	(91,963) (1)
Net Investment Income (Loss)	(13,347,811)	(11,021,989)
Total Additions (Deductions)	<u>\$ (12,907,834)</u>	<u>\$ (10,455,266)</u>
 <u>Deductions</u>		
Benefits Paid to Participants	\$ 2,721,218	\$ 2,421,716
Administrative Expenses	10,560	8,232
Total Deductions	<u>2,731,778</u>	<u>2,429,948</u>
Net Increase (Decrease)	(15,639,612)	(12,885,214)
 Net Assets Held in Trust for Pension Benefits:		
Fund Balance July 1	289,534,315	326,337,980
Fund Balance August 31	<u>\$273,894,703</u>	<u>\$313,452,766</u>

(1) Negative amounts reflect the reversal of accrual accounting entries made for fiscal year-end financial reporting purposes.

**CITY OF ROANOKE PENSION PLAN
BALANCE SHEET
AUGUST 31, 2002**

	<u>FY 2003</u>	<u>FY 2002</u>
<u>Assets</u>		
Cash	\$ (197,428)	\$ 2,474,093
Investments, at Fair Value	275,447,848	312,181,533
Due from Other Funds	1,590	1,749
Other Assets	<u>5,785</u>	<u>5,434</u>
Total Assets	<u>\$ 275,257,795</u>	<u>\$ 314,662,809</u>
<u>Liabilities and Fund Balance</u>		
Liabilities:		
Due to Other Funds	\$ 1,354,879	\$ 1,209,253
Accounts Payable	<u>8,213</u>	<u>790</u>
Total Liabilities	<u>1,363,092</u>	<u>1,210,043</u>
Fund Balance:		
Fund Balance, July 1	289,534,315	326,337,980
Net Gain (Loss) - Year to Date	<u>(15,639,612)</u>	<u>(12,885,214)</u>
Total Fund Balance	<u>273,894,703</u>	<u>313,452,766</u>
Total Liabilities and Fund Balance	<u>\$ 275,257,795</u>	<u>\$ 314,662,809</u>

WMH
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION designating a Voting Delegate and Alternate Voting Delegate for the Annual Business Session and meetings of the Urban Section of the Virginia Municipal League and designating a Staff Assistant for any meetings of the Urban Section.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

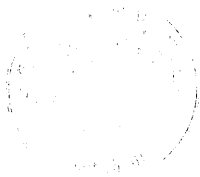
1. For the Annual Business Session of the Virginia Municipal League to be held in Norfolk, Virginia, on October 22, 2002, and for any meetings of the Urban Section held in conjunction with the Annual Conference of the League, _____ is hereby designated Voting Delegate, and _____ is hereby designated Alternate Voting Delegate.

2. For any meetings of the Urban Section of the Virginia Municipal League to be held in conjunction with the League's 2002 Annual Conference, Darlene L. Burcham, City Manager, shall be designated Staff Assistant.

3. Mary F. Parker, City Clerk, is directed to complete any forms required by the Virginia Municipal League for designation of Voting Delegate, Alternate Voting Delegate and Staff Assistant and to forward such forms to the League.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

October 3, 2002

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Technology

This is to request space on Council's regular agenda for a 15-minute briefing on the above referenced subject.

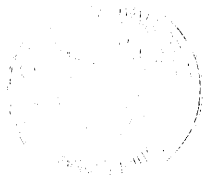
Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham", is positioned above the printed name.

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk



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October 3, 2002

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Traffic Management Study

This is to request space on Council's regular agenda for a 30-minute briefing on the above referenced subject.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham", is positioned above the printed name.

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk